

W A
3 2
A C 2
L 4 H

LSA

153

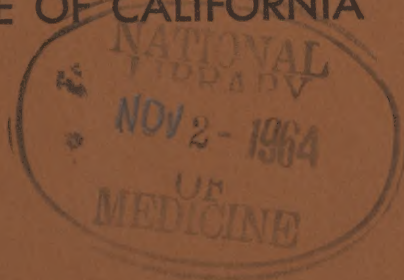
Health and Safety Code

19



63

STATE OF CALIFORNIA



Documents Section
Printing Division
Sacramento 95814

\$7 plus tax

CALIFORNIA. laws, statutes, etc.

Health and Safety Code

19



63

STATE OF CALIFORNIA

Compiled by
A. C. MORRISON
Legislative Counsel

Documents Section
Printing Division
Sacramento 95814
\$7 plus tax

WA

32

AC2

L4h

1963

c. 1

3375B

FOREWORD

This compilation, prepared by the Office of Legislative Counsel, is the latest amended form of the Health and Safety Code.

Effective Date. This edition shows all sections as they are in effect on and after September 20, 1963, the effective date of the statutes enacted at the 1963 Regular Session.

The effective dates of the statutes enacted at the 1962 Regular Session, and the 1962 First Extraordinary Session were July 3, 1962 and July 13, 1962, respectively.

When any section has an effective date earlier or later than the ninety-first day after final adjournment of the session which affected it, the section carries a note expressing that effect.

No sections of the code were affected at the 1962 Second or Third Extraordinary Sessions, or at the 1963 First Extraordinary Session.

Cross-reference Tables. Tables of cross-reference indicating the origin of each section of the Health and Safety Code as originally enacted and indicating the disposition of former statutes in the code appear at pages 3345 to 3405 of the Statutes and Amendments to the Codes for 1939.

Tables of cross-reference indicating the origin of each section of Division 24 (as added by Stats. 1951, Ch. 710) and indicating the disposition of former statutes in the chapter and the division appear at pages 4811 to 4822 of the Statutes and Amendments to the Codes for 1951.

Tables of cross-reference indicating the origin of each section of Division 23.5 (as added by Statutes 1953, Ch. 82); each section of Division 24, Part 2, Ch. 1.5 (as added by Statutes 1953, Ch. 93); each section added by Statutes 1953, Ch. 93 to Division 24, Part 2, Ch. 1, Art. 5; each section added by Statutes 1953, Ch. 48 to Division 12, Part 1, Ch. 1 and to Division 12, Part 1, Ch. 2, Art. 2; each section added by Statutes 1953, Ch. 83 to Division 8, Part 2, Ch. 1; and each section added by Statutes 1953, Ch. 83 to Division 8, Part 3, Ch. 3, Art. 3 and indicating the disposition of former statutes in the division, chapter and sections appear on page 4357 of the Statutes and Amendments to the Code for 1953.

FOREWORD

This monograph, prepared by the Office of Legislative Research, is the latest in a series of reports on the status of the Federal Government.

The monograph is divided into two parts. The first part, which is the main body of the report, contains a detailed description of the Federal Government as it exists at the present time. The second part, which is a separate section, contains a description of the Federal Government as it was in 1903.

The monograph is divided into two parts. The first part, which is the main body of the report, contains a detailed description of the Federal Government as it exists at the present time. The second part, which is a separate section, contains a description of the Federal Government as it was in 1903.

When any section has an extensive table, it is placed in an appendix. The first appendix contains a table of the Federal Government as it exists at the present time. The second appendix contains a table of the Federal Government as it was in 1903.

No portion of the book was altered at the 1903 revision. The 1903 revision was made as a result of the 1903 revision of the Federal Government.

The monograph is divided into two parts. The first part, which is the main body of the report, contains a detailed description of the Federal Government as it exists at the present time. The second part, which is a separate section, contains a description of the Federal Government as it was in 1903.

Table of contents indicating the origin of each section of the monograph. The first part, which is the main body of the report, contains a detailed description of the Federal Government as it exists at the present time. The second part, which is a separate section, contains a description of the Federal Government as it was in 1903.

Table of contents indicating the origin of each section of the monograph. The first part, which is the main body of the report, contains a detailed description of the Federal Government as it exists at the present time. The second part, which is a separate section, contains a description of the Federal Government as it was in 1903.

TABLE OF CONTENTS

(Statutes of 1939, chapters 60, 102, 103, 104, 105, and 106 with amendments.)

	Sections	
General Provisions.....	1-	24
DIVISION 1. ADMINISTRATION OF PUBLIC HEALTH		
Part 1. State Department of Public Health		
Chapter 1. Organization.....	100-	121
Chapter 2. Powers and Duties.....		
Article 1. General Powers.....	200-	214
2. Physically Handicapped Children.....	249-	272
3. Child Health.....	300-	303
4. Division of Dental Health.....	350-	356
5. Laboratory.....	374-	375
5.5. Nursing Education Scholarships.....	380-	389
6. Sanitary Engineering.....	400	
7. Epilepsy.....	410	
8. Mental Health.....	420-	
9. Air Sanitation.....	425-	426.5
10. Alcoholic Rehabilitation.....	427-	427.5
11. Prevention of Blindness.....	428-	428.1
12. Health of Seasonal Agricultural and Migratory Workers.....	429-	429.1
Chapter 3. Hospital Survey and Construction.....		
Article 1. Definitions and General Provisions.....	430-	430.12
2. Administration.....	431-	431.8
3. Survey and Planning.....	432-	433
4. State Assistance for Hospital Construction.....	435-	435.7
Part 2. Local Administration		
Chapter 1. Health Officers and Ordinances.....		
Article 1. County Health Ordinances and Officers.....	450-	461
2. County Health Administration for Cities.....	476-	477
2A. Contracts for Local Health Administration.....	480-	485
4. City Health Ordinances, Boards, and Officers.....	500-	510
5. Sanitarians.....	540-	542
Chapter 2. Public Health Nurses.....	600-	603
Chapter 3. Dentists and Dental Hygienists.....	700-	703
Chapter 5. Local Health and Safety Regulations.....	850-	851
Chapter 6. Local Health Districts.....		
Article 1. Definitions and General Provisions.....	880-	884
2. Formation.....	900-	922
3. Board of Trustees.....	925-	931
4. District Powers.....	935-	937
5. Administration and Operation.....	940-	944
6. Finances and Taxation.....	950-	954
7. Annexation of Territory.....	958-	964
8. Dissolution.....	967-	972
Chapter 7. Municipal and County Laboratories.....	1000-	1002
Chapter 8. State Aid for Local Health Administration.....		
Article 1. Definitions and General Policy.....	1100-	1102
2. Administration.....	1110-	1112
3. Qualification for Financial Assistance.....	1120-	
4. Standards.....	1130-	
5. State Aid.....	1140-	1157
DIVISION 2. LICENSING PROVISIONS		
Chapter 1. Clinics and Dispensaries.....		
Article 1. Definitions and General Provisions.....	1200-	1205
2. Licenses.....	1210-	1217
3. Regulations.....	1221-	1224
4. Revenue.....	1229	
5. Offenses.....	1234-	1237

TABLE OF CONTENTS—Continued

	Sections
Chapter 2. Hospitals.....	1400- 1423
Chapter 2.5. County Medical Facilities.....	
Article 1. Administration.....	1440- 1455
2. Liability for Cost of Care.....	1473- 1475
Chapter 3. Establishments for Handicapped Persons.....	1500- 1517
Chapter 4. Human Whole Blood, Human Whole Blood Deriva- tives, and Other Biologics.....	
Article 1. Definitions.....	1600- 1600.6
2. Human Whole Blood and Human Whole Blood De- rivatives.....	1601- 1611
3. Biologics Other Than Human Whole Blood and Human Whole Blood Derivatives.....	1609- 1611
4. Licenses.....	1612- 1615
5. Revenue.....	1616- 1620
Chapter 5. Regulation of Use of Animals in Diagnostic Procedures and Medical Research.....	
Article 1. General Provisions.....	1650- 1651
2. Administration and Regulation.....	1660- 1662
3. Application of Chapter.....	1666- 1670
4. Offenses Against the Chapter.....	1672- 1673
5. Revenue.....	1676- 1677
Chapter 6. Audiometrists.....	1685- 1686
Chapter 7. Cancer.....	1700- 1721

DIVISION 3. PEST ABATEMENT

Chapter 2. Rodents.....	1800- 1813
Chapter 3. Rabies.....	
Article 1. Rabies Control.....	1900- 1921
2. Anti-rabic Virus.....	2000-
Chapter 4. Pet Birds.....	2100- 2108
Chapter 5. Mosquito Abatement Districts.....	
Article 1. General Provisions.....	2200- 2206
2. Formation.....	2210- 2226
3. Officers.....	2240- 2253
4. District Powers.....	2270- 2292
5. Finances and Taxation.....	2300- 2312
5.5. Claims.....	2320
6. Annexation.....	2330- 2343
6.5. Withdrawal.....	2350- 2351
7. Consolidation.....	2360- 2375
8. Dissolution.....	2390- 2398
9. Changes in Common Boundary.....	2400- 2406
Chapter 5.5. Mosquito and Gnat Control.....	2425- 2426
Chapter 8. Pest Abatement Districts.....	
Article 1. Definitions and General Provisions.....	2800- 2803
2. Formation.....	2822- 2832
3. Administration.....	2850- 2855
4. Taxation.....	2870- 2876
4.5. Claims.....	2880
5. Annexation.....	2900- 2901
5a. Consolidation.....	2910- 2911
6. Dissolution.....	2920- 2922
7. Changes in Common Boundary.....	2930

DIVISION 4. COMMUNICABLE DISEASE PREVENTION AND CONTROL

Chapter 1. General Provisions and Definitions.....	3000- 3002
Chapter 2. Functions of State Department.....	3050- 3053
Chapter 3. Functions of Health Officers.....	3110- 3125
Chapter 4. Venereal Disease.....	
Article 1. Prevention and Control.....	3180- 3199
2. Prenatal Syphilitic Tests.....	3220- 3229
Chapter 5. Tuberculosis.....	3279- 3310
Chapter 6. Violations.....	3350- 3356
Chapter 7. Immunization Against Poliomyelitis.....	3380- 3387

TABLE OF CONTENTS—Continued

	Sections
DIVISION 5. SANITATION	
Part 1. Sanitary Provisions	
Chapter 1. Common Drinking Cups.....	3700- 3704
Chapter 2. Infected Packing Materials.....	3750- 3753
Chapter 3. Common Towels.....	3800- 3803
Chapter 4. Wiping Rags	
Article 1. Use of Wiping Rags.....	3900- 3902
2. Regulation of Wiping Rag Business.....	3950- 3954
3. Offenses.....	3960-
Chapter 6. Ice	
Article 1. Regulations and Definitions.....	4000- 4006
2. Enforcement.....	4008- 4009.5
Chapter 7. Water and Water Systems	
Article 1. Permits.....	4010- 4025
2. Violations.....	4030- 4035
Chapter 8. Recreational Use of Water Supply Reservoirs.....	4050- 4055
Part 2. Garbage and Refuse Disposal	
Chapter 1. Garbage Disposal Districts	
Article 1. Definitions.....	4100-
2. Formation.....	4105- 4113
3. Administration and Powers.....	4120- 4122
4. Taxation.....	4127-
4.5. Claims.....	4130
5. Annexation.....	4135- 4139
6. Withdrawal of Territory.....	4143- 4147
7. Dissolution.....	4160- 4163
8. Consolidation.....	4165- 4165.7
Chapter 1.5. Garbage and Refuse Disposal Districts	
Article 1. Definitions.....	4170-
2. Formation.....	4171- 4178.5
3. Board of Directors.....	4179- 4179.2
4. Powers and Duties.....	4180-
5. Taxation.....	4181- 4185
5.5. Claims.....	4185.1
6. Bonds.....	4186- 4186.21
6. Revenue Bonds.....	4186.30
7. Change of Boundaries.....	4187- 4193
8. Dissolution.....	4194- 4197
Chapter 2. Franchise by Counties.....	4200- 4204
Chapter 2.5. City Garbage Disposal Contracts.....	4250-
Chapter 2.6. Garbage and Refuse Dumps.....	4260
Chapter 3. Fumes Escaping from Burning Garbage	
Article 1. Cremation of Refuse, Generally.....	4300- 4302
2. Cremation of Animal Refuse.....	4303-
Chapter 4. Pollution of Waters and Public Places	
Article 1. Navigable Waters.....	4400- 4404
2. Water Supply.....	4450- 4468
2.5. Additional Water Supply Provisions.....	4470- 4471.4
3. Public Places.....	4475- 4477
4. Punishment for Violations, Generally.....	4485-
Part 3. Sewers	
Chapter 1. Municipal Sewer District Law of 1911	
Article 1. Definitions and General Provisions.....	4600- 4603
2. Formation.....	4605- 4613
2a. Formation of Districts in Two or More Municipal Corporations and also in Unincorporated Territory.....	4614.1-4614.15
3. Issuance of Bonds.....	4615- 4625
4. Performance of Work.....	4627- 4636.8
5. Taxation and Finances.....	4638- 4640

TABLE OF CONTENTS—Continued

	Sections
6. Annexation.....	4641- 4648
Chapter 2. Sewer Districts, Act of 1899.....	4659- 4671
Chapter 3. County Sanitation Districts	
Article 1. General Provisions.....	4700- 4704
2. Formation.....	4710- 4718
2.5. Consolidation.....	4720- 4728
3. Officers.....	4730- 4734
4. District Powers.....	4738- 4766
4.1 District Employees.....	4768
4.5. Application of Other Statutes.....	4770- 4775
5. Bonds.....	4780- 4803
5.5. Revenue Bonds.....	4805-
5.6. Bonds for Improvement of a Portion of a District.....	4806- 4809.3
6. Finance and Taxation.....	4810- 4820
7. Annexation.....	4830- 4834
8. Joint Operation.....	4840- 4843
8a. Withdrawal of City.....	4845.05-4845.13
8b. Withdrawal of Unincorporated Territory.....	4845.20-4845.38
9. Dissolution.....	4850- 4856
10. Reorganization.....	4857- 4859
Chapter 4. Sewer Maintenance Districts	
Article 1. General Provisions and Definitions.....	4860- 4866
2. Formation.....	4870- 4878
2.3. Inclusion in County Sanitation District.....	4879- 4880
3. Officers and Powers.....	4885- 4888
4. Finances and Taxation.....	4890- 4894
5. Annexation.....	4895- 4903
6. Exclusion.....	4905- 4911
7. Dissolution.....	4915- 4927
Chapter 5. Sewer Revenue Bonds	
Article 1. General Provisions and Definitions.....	4950- 4960
2. Resolution.....	4965- 4966
3. Notice, Hearing, and Election.....	4970- 4979
4. Bonds.....	4985- 4997
5. Powers.....	5000- 5022
6. Finances.....	5025- 5034
7. Rates and Collection.....	5040- 5056
8. Leases.....	5060- 5063
9. Annexation and Exclusion.....	5070- 5072
Chapter 6. General Provisions with Respect to Sewers	
Article 1. Rights of Way for Sewers and Drainage.....	5400-
2. Sewage and Industrial Waste.....	5410- 5416
3. Procedure for Abatement.....	5460- 5463
4. Sanitation and Sewerage Systems.....	5470- 5474.10
Chapter 7. Effect on Previous Laws.....	5475-
Chapter 8. "County Sewerage and Water Districts".....	5617
Chapter 9. "Joint Municipal Sewage Disposal District Act".....	5745
Chapter 10. "Regional Sewage Disposal Districts".....	6096

DIVISION 6. SANITARY DISTRICTS

Part 1. Sanitary District Act of 1923

Chapter 1. General Provisions and Definitions.....	6400- 6408
Chapter 2. Formation	
Article 1. Petition.....	6420- 6425
2. Hearing.....	6440- 6448
3. Election on Formation and for Officers.....	6460- 6466
Chapter 3. Officers.....	6480- 6499
Chapter 4. District Powers	
Article 1. Generally.....	6510- 6523.2
1.5. Inclusion in County Sanitation District.....	6524- 6529

TABLE OF CONTENTS—Continued

	Sections
2. Sewer Maintenance in Cities.....	6530- 6531
3. Application of Other Statutes.....	6540- 6545
Chapter 5. Elections.....	
Article 1. Generally.....	6560- 6568
2. Election of Officers.....	6580- 6593
3. Bond Elections.....	6610- 6613
4. Annexation Elections.....	6625- 6629
Chapter 6. Bonds.....	
Article 1. Generally.....	6640- 6655
2. Bonds of Annexed Territory.....	6660- 6661
3. Reconstruction Bonds.....	6670. 1-
4. Exchange of Bonds.....	6680- 6683
5. Refunding Bonds.....	6690- 6694.3
Chapter 7. Finances and Taxation.....	
Article 1. Generally.....	6695- 6701
2. Assessment by District Assessor.....	6715- 6718
3. Equalization of Assessments by District Assessor.....	6730- 6734
4. Levy of Tax.....	6745- 6747
5. Collection.....	6760- 6767
6. Use of County Assessor's Roll.....	6780- 6787
6.5. Districts in More than One County.....	6789
7. Funds.....	6790- 6801
8. Claims.....	6805
Chapter 8. Reorganization.....	6810- 6823
Chapter 8.5. District Reorganized from County Sanitation District.....	6825-
Chapter 9. Annexation.....	
Article 1. Generally.....	6830-
2. Annexation by Election.....	6840- 6855
3. Annexation Without an Election.....	6870- 6881
4. Alternative Procedure for Annexation of Territory.....	6885- 6887
Chapter 9.5. Consolidation.....	6890- 6895.5
Chapter 10. Dissolution.....	6900- 6907.5
Chapter 11. Exclusion of Portion of District.....	6910- 6924
Part 2. Other Sanitary District Acts	
Chapter 1. General.....	6935-
Chapter 2. Use of County Assessor's Roll.....	6940- 6941.9
DIVISION 7. DEAD BODIES	
Part 1. General Provisions	
Chapter 1. Definitions.....	7000- 7024
Chapter 2. General Provisions.....	7051- 7055
Chapter 3. Custody, and Duty of Interment.....	7100- 7116
Chapter 4. Disposal of Unclaimed Dead.....	7200- 7208
Chapter 5. Embalming and Transportation.....	
Article 1. Embalming.....	7300- 7302
2. Transportation.....	7355-
Part 2. Disinterment and Removal	
Chapter 1. General Provisions.....	
Article 1. Permits.....	7500- 7502
2. Consent to Removal.....	7525- 7528
Chapter 3. Removal of All Remains: Cities of 1500-100,000.....	7600-
Chapter 4. Removal of All Remains: Cities and Cities and Counties Over 100,000.....	
Article 1. Power of Municipality.....	7700- 7701
2. Declaration of Intention by Cemetery Authority.....	7725- 7726
3. Notice of Intention.....	7735- 7739
4. Special Notice to Relative or Friend.....	7750- 7754
5. Removals by Relatives or Friends.....	7800- 7805
6. Removal by Cemetery Authority.....	7850- 7852
7. Disposal of Lands.....	7900- 7906
B. Use of Funds.....	7925- 7933

TABLE OF CONTENTS—Continued

	Sections
9. New Land, Mausoleum or Columbarium.....	7950- 7955
10. Taxation.....	7975-
11. Religious Observances.....	7980-
12. Removal by Counties.....	8000- 8005
DIVISION 8. CEMETERIES	
Part 1. General Provisions	
Chapter 1. Cemetery Defined.....	8100-
Chapter 2. Vandalism.....	8101- 8103
Chapter 3. Records.....	8110- 8111
Part 2. Public Cemeteries	
Chapter 1. General Provisions.....	8125- 8134
Part 3. Private Cemeteries	
Chapter 1. General Provisions.....	8250- 8253
Chapter 2. Operation and Management	
Article 1. General Provisions.....	8275- 8276
2. Rules and Regulations.....	8300- 8309
3. Police Power.....	8325-
4. Records.....	8330- 8331
5. Operation of Crematories.....	8340- 8341
6. Contract Limitations.....	8350- 8351
7. Restrictions on Officers.....	8360- 8362
Chapter 3. Acquisition, Dedication and Sale	
Article 1. Acquisition of Property.....	8500-
2. Declaration of Intention.....	8525- 8526
3. Dedication.....	8550- 8561
4. Sale of Plots.....	8570- 8574
5. Removal of Dedication.....	8580- 8581
Chapter 4. Property Rights	
Article 1. General Provisions.....	8600- 8605
2. Joint Tenants.....	8625- 8629
3. Family Interment Plots.....	8650- 8653
4. Vested Right of Interment.....	8675- 8676
5. Voluntary Establishment of Inalienability.....	8680-
Chapter 5. Endowment and Special Care	
Article 1. Care of Old Cemeteries.....	8700- 8715
2. Care of Active Cemeteries.....	8725- 8748
3. Investment of Endowment Funds.....	8750- 8751 1
4. Special Care.....	8775- 8776
5. Misrepresentations as to Endowment.....	8780-
Chapter 6. Reincorporation of Cemetery Associations.....	8800- 8806
Chapter 7. Abandonment.....	8825- 8829
Part 4. Public Cemetery Districts	
Chapter 1. General Provisions.....	8890- 8892
Chapter 2. Petition.....	8900- 8903
Chapter 3. Notice of Hearing.....	8910- 8912
Chapter 4. Hearing.....	8920- 8926
Chapter 5. Protest and Election.....	8930- 8941
Chapter 6. Government.....	8950- 8952
Chapter 7. Powers.....	8960- 8969.5
Chapter 8. Finance and Taxation	
Article 1. Estimate of Expenses.....	8970- 8973
2. Taxation.....	8980- 8985
3. Trustees Report.....	8990- 8991
4. Perpetual Endowment Care Fund.....	9000- 9005
5. Claims.....	9010
Chapter 9. Annexation of Territory	
Article 1. Petition.....	9025- 9027
2. Notice and Hearing.....	9050- 9055

TABLE OF CONTENTS—Continued

	Sections
Chapter 10. Withdrawal of Territory	
Article 1. Petition.....	9075- 9076
2. Notice and Hearing.....	9077- 9078
Chapter 11. Effect on Previous Laws.....	9100-
Chapter 12. Abandonment	
Article 1. Abandonment of Cemeteries.....	9201- 9225
2. Abandoned Cemetery Plots.....	9300- 9309
Part 5. Mausoleums and Columbariums	
Chapter 1. General Provisions.....	9501- 9512
Chapter 2. Enforcement.....	9525- 9528
Chapter 3. Permits and Plans	
Article 1. General Provisions.....	9550-
2. Application, Permit and Certificate of Occupancy.....	9560- 9565
3. Cancellation of Permit.....	9575-
4. Expiration of Permit.....	9580-
Chapter 4. Inspection and Approval.....	9590- 9592
Chapter 5. Construction	
Article 1. General Provisions.....	9600- 9603
2. Structural and Material Requirements of Community Mausoleums and Columbariums.....	9625- 9647
3. Structural and Material Requirements of Private Mausoleums and Columbariums.....	9650- 9654
Chapter 6. Penalties.....	9675- 9677
DIVISION 9. VITAL STATISTICS	
Chapter 1. General Provisions.....	10000-10008
Chapter 2. Administration	
Article 1. State Administration.....	10025-10037
2. Local Administration.....	10050-10067
Chapter 3. Live Birth Registration	
Article 1. Duty of Registering Live Birth.....	10100-10102
2. Content of Certificate of Live Birth.....	10125-
3. Foundling Registration.....	10150-10154
Chapter 4. Fetal Death Registration	
Article 1. Duty of Registering Fetal Death.....	10175-10177
2. Responsibility of Attending Physician.....	10180
3. Responsibility of Coroner.....	10185-10186
4. Content of Certificate of Fetal Death.....	10190
Chapter 5. Death Registration	
Article 1. Duty of Registering Death.....	10200-10205
2. Responsibility of Attending Physician.....	10225
3. Responsibility of Coroner.....	10250-10252
4. Content of Certificate of Death.....	10275
Chapter 6. Marriage Registration	
Article 1. General Provisions.....	10300
2. Duty of Registering.....	10325
3. Content of Certificate of Registry of Marriage.....	10350
Chapter 6.5. Divorce and Annulment Reports.....	10360
Chapter 7. Permits for Disposition of Human Remains.....	10375-10384
Chapter 8. Amendment of Records	
Article 1. Amendment of a Record of Birth, Death or Marriage.....	10400-10404
2. Amendment of a Death Record of a Previously Un- identified Body.....	10410-10411
3. Supplemental Name Reports.....	10420-10422
4. Amendment of Birth Record After Adoption.....	10430-10439
5. Amendment of Birth Record After Legitimation.....	10440-10447
6. Amendment of Birth Record After Adjudication or Acknowledgment of Paternity.....	10450
7. Amendment of Birth Record to Reflect Change in Surname of Parents.....	10460-10461
Chapter 9. Administrative Procedure to Establish Record of Birth	
Article 1. General Provisions.....	10500-10502

TABLE OF CONTENTS—Continued

	Sections
2. Application.....	10510
3. Evidence.....	10520-10523
4. Registration.....	10530-10532
Chapter 10. Court Proceedings to Establish Record of Birth, Death or Marriage.....	10550-10558
Chapter 11. Certified Copy and Verification of Records.....	10575-10583
Chapter 12. Fees of State and Local Registrars	
Article 1. General Provisions.....	10600-10602
2. Fee for Certified Copy or Search of Records.....	10605-10607
3. Other Fees.....	10610-10612
Chapter 13. Compensation of Appointed Local Registrars of Births and Deaths.....	10650-10653
Chapter 14. Penalties	
Article 1. Misdemeanors.....	10675-10679
2. Felony.....	10690
DIVISION 10. NARCOTICS	
Chapter 1. Definitions and General Provisions	
Article 1. Definitions.....	11000-11016
Chapter 2. Division of Narcotic Enforcement.....	11100-11107
Chapter 3. Prescriptions	
Article 1. Requirements of Prescriptions.....	11161-11177
2. Exempt Narcotics.....	11200-11201
3. Prescriber's Record.....	11225-11228
4. Copies of Prescriptions.....	11250-
5. Refilling Prescriptions.....	11275-
6. Pharmacist's Records.....	11280-11283
Chapter 4. Use of Narcotics	
Article 1. Lawful Medical Use Other than Treatment of Addicts.....	11330-11332
2. Treatment of Addicts for Addiction.....	11390-11396
3. Physicians' Reports.....	11425-11426
4. Veterinarians.....	11450-11451
Chapter 5. Illegal Narcotics	
Article 1. Illegal Sale, Possession, Administration and Transportation.....	11500-11504
2. Marihuana.....	11530-11533
2.5. Lophophora.....	11540
3. Narcotic Pipes and Resorts.....	11555-11557
Chapter 6. Sale Without Prescription.....	11570-11576
Chapter 7. Enforcement	
Article 1. Forfeiture of Vehicles.....	11610-11629
2. Seizure and Disposition of Narcotics.....	11650-11657
3. Prosecutions and Disposition of Fines.....	11680-11688
4. Penalties.....	11710-11718
4.5. Addicts.....	11721-11729
4.7. Narcotic Treatment Control Units.....	11750-11754
5. Abatement.....	11780-11797
6. Registration of Narcotic Offenders.....	11850-11853
DIVISION 11. EXPLOSIVES	
Part 1. High Explosives	
Chapter 1. Definitions and General Provisions.....	12000-12006
Chapter 2. Sale or Other Disposition of Explosives.....	12100-12118
Chapter 3. Storage	
Article 1. General Provisions.....	12150-12153
2. Magazines of the First Class.....	12170-12190
3. Magazines of the Second Class.....	12210-12212
4. Violations.....	12220-12221
Chapter 4. Transportation.....	12300-12306
Chapter 5. Illegal Use or Possession.....	12350-12354
Chapter 6. Miscellaneous.....	12400-12405

TABLE OF CONTENTS—Continued

	Sections
Part 2. Fireworks	
Chapter 1. General Provisions and Definitions.....	12500-12526
Chapter 2. Administration.....	12550-12555
Chapter 3. Permits.....	12600-12609
Chapter 4. Licenses.....	12650-12666
Chapter 5. Enforcement.....	12700-12718
Chapter 6. Prohibitions.....	12750-12764
Chapter 7. Penalties.....	12800-12801
DIVISION 12. FIRES AND FIRE PROTECTION	
Part 1. General Provisions	
Chapter 1. Liability in Relation to Fires.....	13000-13010
Chapter 2. Fire Equipment	
Article 1. Standard Equipment.....	13025-13028
2. Use of Fire Equipment.....	13050-13055
Part 2. Fire Protection	
Chapter 1. State Fire Marshal	
Article 1. General.....	13100-13130
2. The State Fire Advisory Board.....	13140-13146.5
3. Fire Extinguishers.....	13160-13169
Chapter 2. Clothes Cleaning Establishments	
Article 1. Definitions.....	13201-13219
2. Administration.....	13250-13254
3. Permits.....	13300-13312
4. Buildings, Equipment, and Operation.....	13350-13404
5. 140-F Dry Cleaning Processes.....	13425-13436
6. Violations.....	13450-13454
Chapter 3. Spotting, Sponging, and Pressing Establishments	
Article 1. Definitions and General Provisions.....	13501-13520
2. Administration.....	13550-13554
5. Operation and Management.....	13678-13689
6. Violations.....	13725-13780
Part 2.7. Fire Protection District Law of 1961	
Chapter 1. General Provisions.....	13801-13814
Chapter 2. Area.....	13821-13823
Chapter 3. Formation.....	13825
Chapter 4. Board of Directors.....	13831-13847
Chapter 5. General Powers and Duties.....	13851-13883
Chapter 6. Provisions Relating to Elections.....	13891-13896
Chapter 7. Finance, Taxation and Bonds.....	13901-13937
Chapter 8. Contracts.....	13941-13942
Chapter 9. Change in Boundaries.....	13945-13960
Chapter 10. Dissolution of District.....	13965-13970
Chapter 11. Reorganization.....	13975-13989
Chapter 12. Creation of Special Fire Protection Zones.....	13991-13997
Chapter 13. Reports.....	13998-13999
Part 3. Fire Protection Districts	
Chapter 1. Local Fire Districts	
Article 1. General Provisions.....	14001-14022
2. Formation: Petition and Hearing.....	14041-14044
3. The Board of Fire Commissioners.....	14051-14068
3.5. Establishment of Divisions.....	14070-14076
4. General Powers and Duties.....	14091-14115
5. Provisions Relating to Elections.....	14131-14136
6. Finance, Taxation and Bonds.....	14151-14176
7. Contracts.....	14201-14202
8. Annexation and Exclusion of Territory.....	14211-14223
8.5. Adjustment of Boundaries.....	14225-14229
9. Consolidation.....	14231-14242

TABLE OF CONTENTS—Continued

	Sections
10. Dissolution of District.....	14251-14258
11. Reorganization.....	14271-14285
12. Creation of Special Fire Protection Zones.....	14301-14307
Chapter 1a. Metropolitan Fire Protection Districts	
Article 1. General Provisions.....	14325-14328
2. Resolution of Intention.....	14330-14339
3. Hearing and Protest.....	14340-14344
4. Election on Issuance of Bonds.....	14345-14350
5. Bonds.....	14351-14354.1
6. Revenue and Taxation.....	14355-14361
6.5. Claims.....	14363
7. Powers of District.....	14365-14370
8. Alternative Method.....	14375-
Chapter 2. County Fire Protection Districts	
Article 1. General Provisions.....	14400-14408
2. Notice and Hearing.....	14410-14419
3. Election on Formation.....	14425-14432
4. Powers and Duties of the Board.....	14440-14454
4.5. Commissioners.....	14455-14455.8
5. Ordinances of the Board.....	14460-14466
6. Duties of Division of Forestry.....	14470-14471
7. Finance and Taxation.....	14480-14486
7.1. Claims.....	14488
7.5. Capital Outlays.....	14490-14492
7.7. Bonds.....	14495-14496
8. Title to Property.....	14500-14506
9. Annexation.....	14510-14516
10. Consolidation.....	14525-14532
11. Withdrawal Upon Inclusion in City.....	14540-14551
12. Withdrawal Upon Petition.....	14560-14568
13. Dissolution.....	14580-14594
14. Creation of Special Fire Protection Zones.....	14598-14598.5
Chapter 3. Fire Protection Districts in One or More Counties	
Article 1. General Provisions.....	14600-14606
2. Petition and Hearing.....	14610-14625
3. Election on Organization.....	14630-14640
4. Government of District.....	14650-14661
5. Powers and Duties of Directors.....	14680-14690
6. Finance and Taxation.....	14700-14710
6.5. Creation of Special Fire Protection Zones.....	14712-14717
7. Inclusion of Territory.....	14720-14728
8. Change of Boundary.....	14735-14750
8.5. Transfer of Territory from One District to Another District.....	14751-14759
8.6. Change of Name.....	14759.1-14759.8
9. Dissolution.....	14760-14766
10. Withdrawal to Form New District.....	14775-14791
Chapter 4. Dissolution or Exclusion When Area Is Incorporated	
Article 1. Dissolution.....	14800-14804
2. Change of Boundaries.....	14811-14814
3. Recordation.....	14815-14816
Chapter 5. Annexation to Fire Districts	
Article 1. Annexation to Districts Serving Cities.....	14820
Part 4. Fire Companies in Unincorporated Towns	
Chapter 1. Organization.....	14825-14830
Chapter 2. Powers and Duties.....	14835-14845
Chapter 3. Exemptions.....	14855-14860
Part 5. Abatement of Hazardous Weeds	
Chapter 1. General Provisions.....	14875-14876
Chapter 2. Resolution.....	14880-14884

TABLE OF CONTENTS—Continued

	Sections
Chapter 3. Notice to Destroy Weeds	
Article 1. Persons Authorized to Give Notice.....	14890-
2. Contents of Notice.....	14891-14892
3. Posting and Publishing Notice.....	14893-14895
4. Hearing on Notice.....	14898-14899
5. Proceedings After Hearing on Notice.....	14900-14902
Chapter 4. Expense of Abatement	
Article 1. Determination and Notice.....	14905-14906
2. Hearing on Report.....	14910-14912
3. Collection of Expenses.....	14915-14922
DIVISION 13. HOUSING	
Part 1.5. Regulation of Buildings Used for Human Habitation	
Chapter 1. General Provisions.....	17910-17911
Chapter 2. Rules and Regulations.....	17920-17925
Chapter 3. State Housing Appeals Board.....	17930-14941
Chapter 4. Application and Scope.....	17950-17952
Chapter 5. Administration and Enforcement	
Article 1. Enforcement Agencies.....	17960-17966
2. Inspection.....	17970-17972
3. Actions and Proceedings.....	17980-17989
Chapter 6. Violations.....	17995
Part 2. Mobile Homes and Mobile Home Parks	
Chapter 1. Definitions and Scope.....	18000-18009
Chapter 2. Application and Scope.....	18010-18014
Chapter 3. Enforcement, Actions and Proceedings.....	18100-18105
Chapter 4. Permits and Fees.....	18200-18214
Chapter 5. Regulations	
Article 1. General Provisions.....	18250-18257
2. Mobilehome Lots.....	18276-18279
3. Building Construction.....	18300-
4. Plumbing.....	18325-
5. Toilet Facilities.....	18350-18366
6. Electrical.....	18370-
7. Mobile Homes.....	18371-18372
8. Maintenance and Sanitation.....	18375-18379
Chapter 6. Liquefied Petroleum Gases.....	18425-18426
Chapter 7. Penalties.....	18475-
Part 2.1. Auto Courts and Resorts	
Chapter 1. Definitions and Scope.....	18500-18512
Chapter 2. Enforcement, Actions and Proceedings.....	18550-18553
Chapter 3. Permits and Fees.....	18600-18611
Chapter 4. Regulations	
Article 1. Construction.....	18650-18668
2. Windows.....	18675-18683
3. Air Ducts.....	18700-
3.1. Stairways, Exits and Means of Egress.....	18710
4. Garages.....	18725-18729
5. Masonry Construction.....	18750-
6. Plumbing, Use and Sanitation.....	18775-18800
Chapter 5. Liquefied Petroleum Gases.....	18825-18826
Chapter 6. Miscellaneous Provisions.....	18875-18880
Chapter 7. Violations.....	18895-
Part 2.3. Camps.....	18897-18897.5
Part 2.5. State Building Standards Commission.....	18900-18911
Part 3. Miscellaneous	
Chapter 1. Scope and Application.....	19000-

TABLE OF CONTENTS—Continued

	Sections
Chapter 2. Earthquake Protection	
Article 1. Scope and Application	19100-19101
2. Enforcement	19120-19124
2a. Building Permits	19130-19138
3. Design and Construction	19150-19151
4. Violations	19170-
Chapter 3. Air Space in Sleeping Rooms	19300-
Chapter 4. Hotel Bedding and Sanitation	
Article 1. Definitions	19400-19401
2. Enforcement	19420-
3. Bedding	19440-19444
4. Sanitation	19470-19473
5. Violations	19500-
Chapter 5. Gas Illumination in Rented Rooms	19600-
Chapter 6. Exit and Stairway Signs in Hotels, Etc.	19700-19702
Chapter 7. Refrigerants and Refrigeration Plants	19800-
Chapter 8. Inflammable or Explosive Materials	19810-19816
Chapter 9. Local Building Regulations	19825-19827
Part 4. Housing for the Elderly	19900
Part 5. Fixtures in Housing for the Elderly	19950
DIVISION 14. POLICE PROTECTION	
Part 1. Police Protection Districts	
Chapter 1. In Unincorporated Towns	
Article 1. Definitions and General Provisions	20000-20007
2. Petition and Formation	20025-20036
2.5. Election on Formation	20040-20047
2.6. Annexation	20050-20057
3. Administration	20060-20081
4. Taxation	20101-20113
4.1. Claims	20115
4.5. Exclusion	20120-20121.6
5. Dissolution	20130-20144
Chapter 2. In Unincorporated Territory	
Article 1. Definitions	20300-20302
2. Formation	20310-20317
3. Administration and Taxation	20330-20332
4. Withdrawal of Territory	20340-20349
5. Dissolution	20350-20352
DIVISION 20. MISCELLANEOUS HEALTH AND SAFETY PROVISIONS	
Chapter 1. Health and Safety of Bathers	
Article 1. Life Saving Devices	24000-24004
2. Swimming Pool Markers	24050-24054
3. Swimming Pool Sanitation	24100-24109
4. Ocean Water-contact Sports	24155-24159
Chapter 2. Air Pollution Control Districts	
Article 1. Creation and Functioning of Districts	24198-24214
2. Officers	24220-24231
2.5. Claims	24232
3. Prohibitions	24241-24254
4. Rules and Regulations	24260-24282
5. Variances	24291-24302
6. Procedure	24310-24323
7. Unified Air Pollution Control Districts	24330-24341
Chapter 2.5. Bay Area Air Pollution Control District	
Article 1. Short Title	24345-
2. Declaration of Policy	24346-24346.2
3. Definitions	24348-24348.3
4. Creation of District	24350-24350.8
4.5. City Selection Committees	24351-24351.5
5. Governing Body	24352-24352.8

TABLE OF CONTENTS—Continued

	Sections
6. Powers and Duties.....	24354-24354.10
7. Air Pollution Control Officer.....	24355-24355.2
8. Advisory Council.....	24356-24356.2
9. Hearing Board.....	24357-24357.1
10. Enforcement.....	24360-24360.9
11. Rules and Regulations.....	24362-24362.7
12. Variances.....	24365-24365.11
13. Procedure.....	24367-24367.11
13.5 Enforcement.....	24368-24368.7
14. Financial Provisions.....	24370-24370.7
15. Dissolution.....	24372-
16. Claims.....	24374
Chapter 3. Motor Vehicle Pollution Control	
Article 1. Application.....	24378-24381
2. Motor Vehicle Pollution Control Board.....	24383-24388
3. Compliance.....	24389-24396
4. Authorized Motor Vehicle Pollution Control Testing Laboratories.....	24397-24398
Chapter 4. Abandoned Excavations.....	24400-24403
Chapter 5. Miscellaneous Penal Provisions.....	24800-
Chapter 6. Septic Tanks, Chemical Toilets, Cesspools and Seepage Pits.....	25000-25010
Chapter 7. Control of Radioactive Contamination of the En- vironment.....	25600-25610
Chapter 7.3. Transportation of Radioactive Materials.....	25650-25654
Chapter 7.5. Atomic Energy Development and Radiation Protection	
Article 1. Short Title.....	25700
2. Declaration of Policy.....	25710
3. Definitions.....	25720-25721
4. Co-ordinator of Atomic Energy Development and Radiation Protection.....	25730-25739
5. Departmental Co-ordinating Committee.....	25750-25752
6. Advisory Council.....	25760-25764
7. Permits and Licenses Required.....	25770-25771
Chapter 7.6. Radiation Control Law	
Article 1. General.....	25800-25803
2. Definitions.....	25805-
3. Control Agency.....	25810-25811
4. Licensing and Registration of Sources of Ionizing Radiation.....	25815-25817
5. Inspection.....	25820-
6. Records.....	25825-25826
7. Federal-State Agreements.....	25830-25831
8. Inspection Agreements and Training Programs.....	25835-25836
9. Local Participation.....	25840-
10. Administrative Procedure.....	25845-25847
11. Injunction Proceedings.....	25850-
12. Prohibited Uses.....	25855-
13. Impounding of Materials.....	25860-25861
14. Penalties.....	25865-
15. Effective Date of Licensing Provisions.....	25870-
16. Agreement Between United States Atomic Energy Commission and the State of California.....	25875-25876
Chapter 8. Toys.....	25895-25896
Chapter 10. Label Requirements.....	25900-25905

DIVISION 21. DRUGS, FOODS AND COSMETICS

Chapter 1. Cosmetics	
Article 1. General Provisions.....	26001-26012
2. Adulteration.....	26021-26022
3. Misbranding.....	26031-26035
4. Prohibitions.....	26041-
5. Administration.....	26050-26051

TABLE OF CONTENTS—Continued

	Sections
Chapter 2. Drugs	
Article 1. General Provisions.....	26200-26220
2. Adulteration.....	26230-26235
3. Misbranding.....	26240-26255
4. Advertising.....	26270-26276
5. Prohibitions.....	26280-26304
6. Administration.....	26320-26385
Chapter 3. Foods	
Article 1. General Provisions.....	26450-26468
2. Adulteration.....	26470-26476
3. Misbranding.....	26490-26496
4. Advertising.....	26500-26501.1
5. Prohibitions.....	26510-26527
6. Administration.....	26540-26605
7. Local Administration.....	26615-26624
Chapter 4. Horse Meat.....	28000-28015
Chapter 5. Cold Storage	
Article 1. Definitions and General Provisions.....	28110-28117
2. Licenses.....	28120-28127
3. Licensee Regulations.....	28130-28133
4. General Regulations.....	28140-28153
5. Violations.....	28160-
Chapter 5.5. Frozen Food	
Article 1. Definitions.....	28165-
2. The Packing of Low-Acid Frozen Food in Hermetically Sealed Containers.....	28170-28173
3. General Regulations.....	28180-28182
4. Violations.....	28186-
Chapter 6. California Bakery Sanitation Law.....	28190-28216
Chapter 7. Food Sanitation	
Article 1. Food Processing Establishments.....	28280-28299
2. Food Containers.....	28310-28322
3. Closed Containers.....	28325-
4. Walnuts.....	28330-28339
5. Violations.....	28345-
Chapter 8. Canneries	
Article 1. Definitions and Scope.....	28360-28366
2. Cannery Inspection Board.....	28380-28388
3. Proration of Costs.....	28400-28403
4. Licenses and Licensees.....	28410-28418
5. General Provisions.....	28430-28434
6. Rules and Enforcement.....	28440-28443
7. Funds.....	28451-28452
8. Violations.....	28455-
Chapter 9. Olive Oil.....	28475-28488
Chapter 10. Food Sulphurs.....	28500-28509
Chapter 11. Sanitation of Restaurants, Itinerant Restaurants, Ve- hicles and Vending Machines	
Article 1. Definitions and General Provisions.....	28520-28535
2. Sanitation Requirements for Restaurants.....	28540-28584
3. Sanitation Requirements for Itinerant Restaurants.....	28590-28629
4. Sanitation Requirements for Vehicles.....	28640-28650
5. Sanitation Requirements for Vending Machines.....	28660-28682
6. Health Requisites for Restaurants, Itinerant Restau- rants, Vehicles and Vending Machines.....	28686-28688
7. Enforcement and Inspection.....	28690-28696
Chapter 12. Frozen Foods.....	28700-28726
Chapter 13. California Hazardous Substances Labeling Act	
Article 1. Definitions and General Provisions.....	28740-28755
2. Prohibitions.....	28760-28771
3. Administration.....	28775-28790

DIVISION 23. HOSPITAL DISTRICTS

Chapter 1. Formation of District.....	32000-32011
---------------------------------------	-------------

TABLE OF CONTENTS—Continued

	Sections
Chapter 2. Board of Directors	
Article 1. Election and Organization.....	32100-32110
2. Powers.....	32121-32137
Chapter 3. Assessments	
Article 1. Annual Assessments.....	32200-32204
2. Capital Outlays.....	32221-32223
3. Special Assessments.....	32240-32243
Chapter 4. Bonds.....	32300-32314
Chapter 5. Exclusions	
Article 1. General.....	32400-
2. Petition and Notice.....	32410-32415
3. Hearing and Order.....	32425-32433
4. Liability of Excluded Land.....	32450-32453
5. Alternative Exclusion Procedure.....	32475-32482
Chapter 6. Consolidation.....	32490-32490.9
Chapter 7. Claims.....	32492
DIVISION 23.5. ENDOWMENT HOSPITALS.....	32500-32508
DIVISION 24. COMMUNITY REDEVELOPMENT AND HOUSING	
Part 1. Community Redevelopment Law	
Chapter 1. General	
Article 1. General Definitions.....	33000-33010
2. Redevelopment.....	33020-33022
3. Declaration of State Policy—Blighted Areas.....	33030-33039
4. Declaration of State Policy—Antidiscrimination.....	33050-
Chapter 2. Redevelopment Agencies	
Article 1. Creation of Agencies.....	33100-33105
2. Appointment, Compensation, and Removal of Agency Members.....	33110-33115
3. Nature, Jurisdiction, and General Powers of Agencies.....	33120-33134
4. Suspension and Dissolution of Agencies.....	33140-33141
Chapter 3. Other Entities Undertaking or Assisting Redevelopment	
Article 1. Legislative Body as the Agency.....	33200-33202
2. Joint Exercise or Delegation of Power to Redevelop.....	33210-33213
3. Aid, Assistance, and Co-operation.....	33220-33221
Chapter 4. Redevelopment Procedures and Activities	
Article 1. Community Prerequisites.....	33300-33302
2. Designation of Redevelopment Areas.....	33310-33312
3. Selection of Project Area and Formulation of Preliminary Plans.....	33320.1-33324
4. Preparation and Adoption of Redevelopment Plans by the Agency.....	33330-33352
5. Procedure for Adoption of Redevelopment Plans by the Legislative Body.....	33360-33375
6. Owner Participation.....	33380-33381
7. Property Acquisition.....	33390-33395
8. Property Management.....	33400-33402
9. Relocation of Persons Displaced by Projects.....	33410-33415
10. Demolition, Clearance, Project Improvements, and Site Preparation.....	33420-33427
11. Property Disposition, Rehabilitation and Development.....	33430-33444
12. Amendment of Redevelopment Plans.....	33450-33456
Chapter 5. Legal Actions	
Article 1. Actions Involving Redevelopment Plans or Bonds....	33500-33504
2. Actions for Money or Damages.....	33510-
Chapter 6. Financial Provisions	
Article 1. General.....	33600-33063
2. Community Redevelopment Agency Administrative Fund.....	33610-33615
3. Redevelopment Revolving Fund.....	33620-33626
4. Community Appropriations and General Obligation Bonds.....	33630-33633

TABLE OF CONTENTS—Continued

	Sections
5. Agency Bonds.....	33640-33665
6. Taxation.....	33670-33673
Chapter 7. Urban Renewal.....	
Article 1. General.....	33700-33714
Part 1.5. Flood Relief Redevelopment Law.....	34000-34009
Part 2. Housing Authorities	
Chapter 1. Housing Authorities Law.....	
Article 1. General Provisions.....	34200-34218
2. Creation of Housing Authorities.....	34240-34245
3. Officers and Employees.....	34270-34283
4. Powers and Duties of Housing Authorities.....	34310-34330
5. Bonds.....	34350-34371
6. Claims.....	34380
Chapter 1.5. Tax Exemption of Housing Authority Property.....	34400-34402
Chapter 2. Housing Cooperation Law.....	34500-34521
Part 2.5. Contracts of Redevelopment Agencies and Housing Authorities.....	34600-34606
Part 3. Housing Corporations	
Chapter 1. Limited Dividend Housing Corporations Law.....	
Article 1. General Provisions.....	34800-34809
2. Formation of Limited Dividend Housing Corporations.....	34830-34833
3. Powers and Duties of Limited Dividend Housing Corporations.....	34860-34879
4. Powers and Duties of the Commission of Housing.....	34900-34919
5. Financial Provisions.....	34940-34948
Chapter 2. Community Land Chest Law.....	
Article 1. General Provisions.....	35100-35108
2. Formation of Land Chest Corporations.....	35130-35133
3. Powers and Duties of Land Chest Corporations.....	35160-35166
4. Powers and Duties of the Commissioner of Corporations.....	35190-35206
5. Financial Provisions.....	35230-35237
Part 4. Temporary Housing Projects Law	
Chapter 1. General Provisions.....	35450-35455
Chapter 2. Acquisition and Operation of Temporary Housing Projects.....	35480-35494
Chapter 3. Financial Provisions.....	35520-35522
Chapter 4. Disposition of Temporary Housing Projects.....	35540-35545
Chapter 5. Validation.....	35546-
Part 5. Discrimination in Housing	
Chapter 1. Findings and Declaration of Policy.....	35700
Chapter 2. Definitions.....	35710
Chapter 3. Discrimination Prohibited.....	35720
Chapter 4. Enforcement.....	35730-35738
Chapter 5. Miscellaneous.....	35740-35744
Part 7. Farm Labor Center Law.....	36050-36068
DIVISION 30. REPEALS.....	40000-40021
INDEXES	

STATE OF CALIFORNIA

HEALTH AND SAFETY CODE

[CHAPTER 60, STATUTES OF 1939]

An act to establish a Health and Safety Code, thereby consolidating and revising the law relating to the preservation of the public health and safety, including the health and safety of persons, the custody and disposition of dead bodies, the safety and protection of property; and matters incidental thereto, and to repeal certain acts or parts of acts specified herein.

[Approved by Governor April 7, 1939. In effect September 19, 1939.]

The people of the State of California do enact as follows:

GENERAL PROVISIONS

1. This act shall be known as the Health and Safety Code.
2. The provisions of this code in so far as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments.
3. All persons who, at the time this code takes effect, hold office under any of the acts repealed by this code, which offices are continued by this code, continue to hold them according to their former tenure.
4. Any action or proceeding commenced before this code takes effect, and any right accrued, is not affected by this code, but all procedure thereafter taken therein shall conform to the provisions of this code as far as possible.
5. Unless the provision or the context otherwise requires these definitions, rules of construction, and general provisions shall govern the construction of this code.
6. Division, part, chapter, article, and section headings do not in any manner affect the scope, meaning, or intent of the provisions of this code.
7. Whenever a power is granted to, or a duty is imposed upon, a public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to law, by the officer, unless this code expressly provides otherwise.

8. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise.

9. Whenever reference is made to any portion of this code or of any other law of this State, the reference applies to all amendments and additions now or hereafter made.

10. "Section" means a section of this code unless some other statute is specifically mentioned. Subdivision means a subdivision of the section in which that term occurs unless some other section is expressly mentioned.

11. The present tense includes the past and future tenses; and the future, the present.

12. The masculine gender includes the feminine and neuter.

13. The singular number includes the plural, and the plural the singular.

14. "County" includes city and county.

15. Unless expressly otherwise provided, any notice required to be given to any person by any provision of this code may be given by mailing notice, postage prepaid, addressed to the person to be notified, at his residence or principal place of business in this State. The affidavit of the person who mails the notice, stating the facts of such mailing, is prima facie evidence that the notice was thus mailed.

16. "Shall" is mandatory and "may" is permissive.

17. "Oath" includes affirmation.

18. "Signature" or "subscription" includes mark when the signer or subscriber can not write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

19. "Person" means any person, firm, association, organization, partnership, business trust, corporation, or company.

20. "State department" means "State Department of Public Health."

21. "Director" means "Director of Public Health."

22. "Board" means "State Board of Public Health."

23. "State" means the State of California, unless applied to the different parts of the United States. In the latter case, it includes the District of Columbia and the Territories.

24. If any provision of this code, or the application thereof to any person or circumstance, is held invalid, the remainder of the code, or the application of such provision to other persons or circumstances, shall not be affected thereby.

DIVISION 1. ADMINISTRATION OF PUBLIC HEALTH

PART 1. STATE DEPARTMENT OF PUBLIC HEALTH

CHAPTER 1. ORGANIZATION

100. There is in the Health and Welfare Agency a State Department of Public Health.

(Amended by Stats. 1961, Ch. 2037. Operative October 1, 1961.)

NOTE: Stats. 1961, Ch. 2037, also contained the following provisions:

SEC. 28. All persons, other than temporary employees, serving in the state civil service and engaged in the performance of a function transferred to another department or agency or engaged in the administration of a law, the administration of which is transferred to such department or agency, pursuant to this act, shall remain in the state civil service and are hereby transferred to the succeeding department or agency. The status, positions, and rights of such persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position that is exempt from civil service.

SEC. 29. All public property, real or personal, of any state agency or officer used principally or primarily in carrying out of any function, or acquired in connection with the exercise of any function, which function is transferred to another department or agency, pursuant to this act, is transferred to the succeeding department or agency; provided that the 1961-62 fiscal year total expenditures for salaries and wages for each agency and the other governmental organizations included in such agency, as set forth herein, shall not together exceed the total salaries and wages of the governmental agencies included in such agency as set forth in the categorical schedules of the Budget Act of 1961, as may be augmented under any provision of law.

SEC. 30. This act shall become operative on October 1, 1961.

101. The department shall consist of the State Board of Public Health, the State Director of Public Health and such divisions as are or may be necessary for the prevention of disease, the prolongation of life and the promotion of the physical health and mental efficiency of the people of the State.

(Amended by Stats. 1943, Ch. 1061.)

102. The State Board of Public Health consists of the Director of Public Health and nine other members. The board shall advise the director in the performance of his duties and formulate general policies affecting public health. It shall have power to adopt, promulgate, repeal and amend rules and regulations consistent with law for the protection of the public health. It shall issue licenses and permits as prescribed by law and by rules and regulations of the board. It may hold hearings and subpoena witnesses and documents pursuant to Article 2 of Chapter 2, Part 1, Division 3, Title 2 of the Government Code. The board shall have no administrative or executive functions other than those set forth in this code.

(Amended by Stats. 1943, Ch. 1061, and by Stats. 1953, Ch. 1884.)

103. Except as otherwise expressly provided, the members of the board, other than the director, shall be appointed by the Governor for a term of four years and shall hold office

until the appointment and qualification of their successors. The terms of the members of the board in office on the effective date of the Statutes of 1953 shall expire in the order heretofore established, as follows: two members, January 15, 1954; one member, January 15, 1955; two members, January 15, 1956; two members, including the dentist, January 15, 1957. The terms of the two members first appointed to the offices created by the 1953 amendment to Section 102 shall expire as follows: one member, January 15, 1955; and one member, January 15, 1957. In making the first appointments to those offices the Governor shall designate the term for which each such member is appointed.

Vacancies shall be filled by appointment for the unexpired term.

(Amended by Stats. 1953, Ch. 1884.)

103.1. All meetings of the board shall be open and public.

(Added by Stats. 1957, Ch. 2224.)

103.2. All records of the board shall be open to inspection by the public during regular office hours.

(Added by Stats. 1957, Ch. 2224.)

104. One member of the board shall be a duly licensed and practicing dentist of the State. Six members shall be duly licensed and practicing physicians of the State.

(Amended by Stats. 1943, Ch. 1061, and by Stats. 1953, Ch. 1884.)

105. The members of the board, other than the director, shall receive no compensation for their services, but shall be allowed their actual necessary traveling expenses incurred in the discharge of their duties.

106. The director is the executive officer of the department. He shall administer the laws and regulations of the board pertaining to public health and shall vigilantly observe sanitary and public health conditions throughout the State and shall take all necessary precautions to protect it in its sanitary and public health relations with other States and countries. He shall perform such other duties as may be prescribed by law, and such other administrative and executive duties as have by other provisions of law been imposed upon the board.

(Amended by Stats. 1943, Ch. 1061.)

107. The director shall hold the degree of doctor of medicine from an approved medical college and shall be eligible to license to practice in the State of California. He shall have had in addition at least one year's post graduate training in a school of public health approved by the State Board of Public Health, and a minimum of five years' practical experience as an administrative officer in a well organized health department.

(Amended by Stats. 1941, Ch. 835, and by Stats. 1943, Ch. 1061.)

107.5. The director shall be appointed by the Governor for a term of four years and shall hold office until the appointment and qualification of his successor. The term of the director in office when this section takes effect shall expire Janu-

ary 1, 1944. The Governor may remove the director for misconduct, incompetency, or neglect of duty, after an opportunity to be heard on written charges. A vacancy shall be filled by appointment for the unexpired term. The director shall receive the annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code and necessary expenses incurred in the performance of his duties.

(Added by Stats. 1943, Ch. 1061; amended by Stats. 1947, Ch. 1442, by Stats. 1949, Ch. 1005, and by Stats. 1951, Ch. 1613.)

108. Before entering upon the duties of his office, the director shall execute an official bond to the State in the penal sum of ten thousand dollars (\$10,000), conditioned upon the faithful performance of his duties.

109. The director shall devote his entire time to the duties of his office.

110. Subject to the State Civil Service Act the director shall appoint such assistants, deputies, agents, experts and other employees as are necessary for the administration of the affairs of the department and shall prescribe their duties, and fix their salaries subject to the approval of the Department of Finance.

(Amended by Stats. 1943, Ch. 1061, and by Stats. 1961, Ch. 603.)

111. (Repealed by Stats. 1943, Ch. 1061.)

112. (Repealed by Stats. 1957, Ch. 205.)

NOTE: Stats. 1957, Ch. 205, also contained the following provision:

SEC. 37. The provisions of the Health and Safety Code added by this act, insofar as they are substantially the same as the provisions of said code repealed by this act, shall be construed as a restatement and continuation of the existing law and not as a new enactment. No action or proceeding relating to or arising out of the provisions of said code repealed by this act commenced before the effective date of this act, and no right accrued pursuant to said provisions, are affected by the repeal of said provisions by this act, but any step thereafter taken in such action or proceeding shall conform to the provisions added to said code by this act so far as possible.

113. Notwithstanding anything in this code as enacted, the director may, subject to the approval of the Governor, create such divisions and subdivisions of the State department as may be necessary and may consolidate, divide, or abolish them from time to time.

(Amended by Stats. 1943, Ch. 1061.)

114. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

115. (Added by Stats. 1941, Ch. 1092; amended by Stats. 1943, Ch. 1092; repealed by Stats. 1951, Ch. 1261.)

116. (Added by Stats. 1945, Ch. 956; amended and renumbered 213 by Stats. 1957, Ch. 205.)

117. The Public Health Federal Fund in the State Treasury is hereby created. All grants of money received by this State from the United States, the expenditure of which is administered through or under the direction of the State De-

partment of Public Health, shall, on order of the State Controller, be deposited in the Public Health Federal Fund.

(Added by Stats. 1951, Ch. 1261.)

NOTE—Stats. 1951, Ch. 1261 also contained the following provisions:

SEC. 9. Upon authorization of the State Department of Public Health and the Department of Finance pursuant to Section 28452 of the Health and Safety Code, that portion of the amount transferred to the General Fund under the provisions of subdivision (b) of Section 10 of this act that represents the unexpended balance of cash deposits paid to the State under Section 28452 of the Health and Safety Code, and not yet determined to be due the State or to be refundable to the depositor, shall, on order of the State Controller, be transferred to the Special Deposit Fund, subject to the provisions of said Section 28452.

SEC. 10. All money in the Department of Public Health Fund on July 1, 1951, shall be disposed of as follows:

(a) All money in the Department of Public Health Fund that was derived from money appropriated by the State from the General Fund for the support of the State Department of Public Health or of any division, bureau, or organization unit thereof, or the expenditure of which is administered through or under the direction of the State Department of Public Health, and transferred to the Department of Public Health Fund prior to July 1, 1951, under the provisions of subdivision (c) of Section 115 of the Health and Safety Code, shall, on order of the State Controller, be transferred from the Department of Public Health Fund to the General Fund, and shall be credited to the appropriation in the latter fund from which such money was originally derived. The unexpended balance of each such General Fund appropriation shall continue to be available for expenditure for the purposes for which such appropriation was made, and shall be subject to all of the provisions of the act making such appropriation with respect thereto.

(b) All money in the Department of Public Health Fund that was derived from money received by the State under the provisions of Chapter 8 of Division 21 of the Health and Safety Code, or under the provisions of Chapter 428 of the Statutes of 1925, as amended, and deposited in the Department of Public Health Fund under the provisions of Section 2 of Chapter 1092 of the Statutes of 1941, shall, on order of the State Controller, be transferred from the Department of Public Health Fund to the General Fund, and shall be available for expenditure therefrom for the same purposes, and subject to the same conditions, limitations, and restrictions, for which it was available for expenditure from the Department of Public Health Fund prior to such transfer.

An amount equal to the unexpended balance of each appropriation made from the Department of Public Health Fund prior to July 1, 1951, that is available by law for the payment of expenses incurred by the State Department of Public Health in enforcing the provisions of Chapter 8 of Division 21 of the Health and Safety Code, is hereby appropriated from the General Fund for expenditure for the same purposes, and subject to the same periods of availability, as each such appropriation originally made from the Department of Public Health Fund.

(c) All money in the Department of Public Health Fund that was derived from grants of money received by the State from the United States, the expenditure of which is administered through or under the direction of the State Department of Public Health, shall, on order of the State Controller, be transferred from the Department of Public Health Fund to the Public Health Federal Fund, and shall be available for expenditure from the latter fund, without regard to fiscal years, for the purposes for which it is made available by the United States.

(d) All money in the Department of Public Health Fund that was derived from grants or donations from sources other than the United States, the expenditure of which is administered through or under the direction of the State Department of Public Health, shall, on order of the State Controller, be transferred from the Department of Public Health Fund to the Special Deposit Fund, and shall be credited to the appropriate account in the latter fund, as provided by Section 121 of the Health and Safety Code. The amount so transferred shall be available, without regard to fiscal years,

for expenditure from the Special Deposit Fund for the purposes for which it was made available under the terms and conditions of the grant or donation.

(e) All other money in the Department of Public Health Fund the disposition of which is not otherwise provided by law, shall, on order, of the State Controller, be transferred from the Department of Public Health Fund to the General Fund.

118. All money in the Public Health Federal Fund is hereby appropriated to the State Department of Public Health, without regard to fiscal years, for expenditure for the purposes for which the money deposited therein is made available by the United States for expenditure by the State.

(Added by Stats. 1951, Ch. 1261. See note following Section 117.)

119. The State Department of Public Health and the State Controller shall keep a record of the classes and sources of income deposited in, or transferred to, the Public Health Federal Fund, and of the disbursements and transfers therefrom.

(Added by Stats. 1951, Ch. 1261. See note following Section 117.)

120. The Director of Finance and the State Controller may approve any general plan whereby:

(a) Any expenditures which are a proper charge against the money made available by the United States and deposited in the Public Health Federal Fund may be paid in the first instance from any appropriation from the General Fund, expenditures from which are administered through or under the direction of the State Department of Public Health, and

(b) Any expenditures which are a proper charge against an appropriation from any special fund in the State Treasury, expenditures from which are administered through or under the direction of the State Department of Public Health, may be paid in the first instance from any appropriation from the General Fund, expenditures from which are administered through or under the direction of said department, and

(c) The General Fund shall be reimbursed for expenditures made therefrom that are a proper charge against the Public Health Federal Fund or against any appropriation from any special fund.

Such a general plan may provide for advance transfers from the Public Health Federal Fund to the General Fund, based on estimates of such expenditures that will be subject to reimbursement from the Public Health Federal Fund pursuant to such plan, and may provide for reimbursements to the Public Health Federal Fund, when necessary.

Request for reimbursement or transfer pursuant to such a plan shall be furnished to the State Controller in writing by the State Department of Public Health, accompanied by such financial statements as the plan may provide; and on order of the State Controller, the required amount shall be transferred in accordance therewith.

(Added by Stats. 1951, Ch. 1261. See note following Section 117.)

121. All grants or donations of money received by the State from sources other than the United States, the expenditure of which is administered through or under the direction of the State Department of Public Health, shall, on order of the State Controller, be deposited in the Special Deposit Fund, subject to the provisions of Article 2 of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code. The State Controller shall designate, by name, separate accounts within the Special Deposit Fund covering the accountability for each class of grant or donation deposited under the provisions of this section; and the State Department of Public Health and the State Controller shall keep a record of the classes and sources of income deposited in, or transferred to, each of such accounts in the Special Deposit Fund, and of the disbursements therefrom.

All moneys deposited in the Special Deposit Fund under the provisions of this section shall be available, without regard to fiscal years, for expenditure for the purposes for which such money was made available to the State.

(Added by Stats. 1951, Ch. 1261. See note following Section 117.)

CHAPTER 2. POWERS AND DUTIES

Article 1. General Powers

200. The State Department of Public Health shall examine into the causes of communicable disease in man and domestic animals occurring or likely to occur in this State.

201. It shall cause special investigation of the preparation and sale of drugs and food and their adulteration.

(Amended by Stats. 1941, Ch. 186.)

202. It shall perform such duties as are required by law for the detection and prevention of the adulteration of articles used for food and drink, and for the punishment of persons guilty of violation of any law providing against their adulteration.

203. It shall examine and may prevent the pollution of sources of public domestic water and ice supply.

204. (Amended and renumbered 375 by Stats. 1957, Ch. 205.)

205. It may commence and maintain all proper and necessary actions and proceedings for any or all of the following purposes:

- (a) To enforce its rules and regulations.
- (b) To enjoin and abate nuisances dangerous to health.
- (c) To compel the performance of any act specifically enjoined upon any person, officer, or board, by any law of this State relating to the public health.
- (d) To protect and preserve the public health.

It may defend all actions and proceedings involving its powers and duties. In all actions and proceedings it shall sue and be sued under the name of the Department of Public Health.

206. It may abate public nuisances.

207. It may advise all local health authorities, and, when in its judgment the public health is menaced, it shall control and regulate their action.

208. It may adopt and enforce rules and regulations for the execution of its duties.

209. It shall at each general session of the Legislature make a report with such suggestions as to legislative action as it deems proper.

(Amended by Stats. 1953, Ch. 158.)

210. (Repealed by Stats. 1957, Ch. 1004.)

211. It shall cause special investigations of the sources of morbidity and mortality and the effects of localities, employments, conditions and circumstances on the public health and it shall perform such other duties as may be required in procuring information for state and federal agencies regarding the effects of these conditions on the public health.

(Added by Stats. 1941, Ch. 186; amended by Stats. 1957, Ch. 205.)

211.5. All records of interviews, written reports and statements procured by the state department or by any other person, agency or organization acting jointly with the state department, in connection with special morbidity and mortality studies shall be confidential insofar as the identity of the individual patient is concerned and shall be used solely for the purposes of the study. The furnishing of such information to the state department or its authorized representative, or to any other co-operating individual, agency or organization in any such special study, shall not subject any person, hospital, sanatorium, rest home, nursing home, or other organization furnishing such information to any action for damages. The provisions of this section shall not apply to general morbidity and mortality studies customarily and continuously conducted by the state department and which do not involve patient identification.

Nothing in this section shall prohibit the publishing by the state department of statistical compilations relating to morbidity and mortality studies which do not identify individual cases and sources of information or religious affiliations.

(Added by Stats. 1959, Ch. 1164.)

212. (Added by Stats. 1951, Ch. 540; amended by Stats. 1953, Ch. 746; amended and renumbered 1422 by Stats. 1957, Ch. 205.)

213. With the approval of the Department of Finance, and for use in the furtherance of the work of the State Department of Public Health, the director may accept (a) grants of interest in real property, and (b) gifts of money from public agencies or from organizations or associations organized for scientific, educational or charitable purposes.

(Formerly 116. Added by Stats. 1945, Ch. 956; amended and renumbered 213 by Stats. 1957, Ch. 205.)

214. The State Department of Public Health shall enforce the provisions of Section 383b of the Penal Code.

(Formerly 213. Added by Stats. 1957, Ch. 2409; amended and renumbered 214 by Stats. 1959, Ch. 623.)

Article 2. Physically Handicapped Children

249. The Department of Public Health shall have the power to establish and administer a program of services for physically defective or handicapped persons under the age of 21 years, in cooperation with the Federal Government through its appropriate agency or instrumentality in developing, extending and improving such services, to receive and expend all funds made available to the department by the Federal Government, the State, its political subdivisions or from other sources, and shall have power to supervise those services included in the State plan which are not directly administered by the State, and to cooperate with the medical, health, nursing and welfare groups and organizations, and any agency of the State charged with the administration of laws providing for vocational rehabilitation of physically handicapped children.

(Added by Stats. 1943, Ch. 210.)

250. "Handicapped child," as used in this article, means a physically defective or handicapped person under the age of 21 years who is in need of services. "Handicapped child" includes, but is not limited to, children suffering from phenylketonuria or cystic fibrosis.

(Amended by Stats. 1943, Ch. 210, and by Stats. 1961, Ch. 1839 and Ch. 2148.)

251. "Services," as used in this article, means any or all of the following:

- (a) Expert diagnosis.
- (b) Medical treatment.
- (c) Surgical treatment.
- (d) Hospital care.
- (e) Physiotherapy.
- (f) Occupational therapy.
- (g) Special treatment.
- (h) Materials.
- (i) Appliances and their upkeep, maintenance, care, and transportation.
- (j) Maintenance, transportation, or care incidental to any other form of "services."

252. By local surveys arranged through local authorities, social welfare and other public or private agencies, the State Department of Public Health shall seek out handicapped children. No record shall be taken or kept, except of such children as are specified in this article.

252.5. The State Department of Public Health shall seek out children with impaired sense of hearing, especially in the primary and grammar grades of all schools and in its con-

ferences and diagnostic clinics it shall employ for such diagnostic investigation trained otologists.

This section does not give the department power to require medical or physical examination of children without consent of parent or guardian.

(Added by Stats. 1943, Ch. 1098.)

252.6. (Added by Stats. 1945, Ch. 743; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

252.7. (Added by Stats. 1945, Ch. 743; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

253. It shall arrange through such local agencies for local public diagnostic clinics or conferences for handicapped children when and where it appears necessary, and bring to them expert diagnosis near their homes.

254. Whenever the parents or estate of a handicapped child is wholly or partly unable to furnish for the child necessary services, the parents or guardian may apply to the agency of the county which has been designated by the board of supervisors of the county of residence under the terms of Section 271 to administer the provisions for handicapped children. Residence shall be determined in accordance with the provisions of Sections 243 and 244 of the Government Code.

(Amended by Stats. 1945, Ch. 1367 and Ch. 1368, and by Stats. 1947, Ch. 385.)

255. The designated agency shall determine the needs of the handicapped child. If the agency is satisfied that, where there is no guardian of the person, the parents are residents of the county or that the child, in case a guardian of his person has been appointed, is a resident of the county where the application is filed, and that the parents or estate of the child is either wholly or partly unable to furnish the services, the agency shall make a record of the facts and shall issue an authorization for the necessary services.

The record shall contain the names and addresses of applicant and of the child and the following findings:

(a) That the parents, or the child, if there is a guardian of his estate, reside in the county in which the application is filed.

(b) That the child needs services.

(c) That the parents or estate of the child is wholly or partly unable to furnish the services.

(d) What sum, if any, the parents or estate of the child can pay to the treasurer of the county in which the authorization issued.

(Amended by Stats. 1947, Ch. 385.)

256. The authorization, together with duplicate original written diagnoses, shall be presented to the state department. Upon receipt of the authorization the department shall furnish such services for the child as in its judgment are necessary and proper. All expenses for services shall be advanced by the state department out of any appropriation available by law for expenditure for services to physically handicapped children, in

accordance with the provisions of Article 2 of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code.

(Amended by Stats. 1947, Ch. 385, and by Stats. 1951, Ch. 486.)

257. The board of supervisors shall audit and approve an itemized claim for the expenses of the services furnished under the authority of the authorization. The county auditor shall then issue a warrant for the amount of the claim payable to the state department, and the county treasurer shall pay it. The state department shall credit the amount received to the appropriation from which it was advanced.

(Formerly 258; amended and renumbered by Stats. 1947, Ch. 385; amended by Stats. 1951, Ch. 486.)

257.5. The agency designated to determine the needs of handicapped children under the provisions of this chapter, may enter into agreements with parents or estates of handicapped children to pay such amounts as they may be able toward the cost of services for such children. Any payment made by parents or estates shall be paid to the treasurer of the county in which the authorization is issued and shall be credited to the account from which the expenditure was originally drawn.

(Added by Stats. 1947, Ch. 385.)

258. The state department may, without the possession of an authorization, pay the expenses for services required by any physically handicapped child out of any funds received by it through gift, devise, or bequest or from private, state, federal or other grant or source.

(Formerly 257; amended by Stats. 1943, Ch. 210; amended and renumbered by Stats. 1947, Ch. 385; amended by Stats. 1951, Ch. 486.)

258.5. Upon the request of another state or of a federal agency, it may pay the expenses of services required by any physically handicapped child, who is not a resident of this State; provided, that the cost of such services is fully covered by special grants or allotments received from such state or federal agency for that purpose.

(Added by Stats. 1951, Ch. 486; amended by Stats. 1953, Ch. 177.)

259. The State department may arrange or contract with any person properly qualified to furnish services to handicapped children. It may pay for services out of any funds appropriated for the purpose or which it may receive by gift, devise, or bequest.

260. It shall cooperate with the hospital or other institution in which a child is placed, maintain a strict supervision over the handicapped children under its care and jurisdiction, shall cause them to be visited when advisable, and shall cause a record to be kept showing their condition and improvement.

261. It may enter into agreements with parents, guardians and persons responsible for the care of handicapped children to pay such amounts as they may be able toward the cost of services for a handicapped child.

262. This article does not authorize the care, treatment, or supervision of or any control over handicapped children without the written consent of a parent or guardian.

263. (Added by Stats. 1939, Ch. 102, as part of codification; amended by Stats. 1947, Ch. 385; repealed by Stats. 1951, Ch. 486.)

264. The State department may receive gifts, legacies and bequests and expend them for the purposes of this article, but not for administrative expenses.

265. (Repealed by Stats. 1947, Ch. 385.)

266. (Repealed by Stats. 1947, Ch. 385.)

267. The governing body of any public institution subject to the authority and under the control of the State Department of Institutions, or of political subdivisions of the State, in which hospital facilities are maintained which can be used for the purposes of this article may, upon such terms as may be agreed upon, without charge, place facilities at the disposition of the State Department of Public Health to be used in providing services for handicapped children.

268. The board of supervisors in each county may provide for services for any handicapped child in each county, when the parents or guardian consent in writing and when the parents or estate of the child is not financially able to provide services. The county may cooperate in this service with the State department and pay the cost as provided in this article or may perform the services independently, if such services meet minimum standards set by the State Board of Public Health for the care of physically handicapped children.

(Amended by Stats. 1943, Ch. 210.)

269. In order to provide facilities for the services for handicapped children, the board of supervisors may cooperate with the State Department of Public Health and the State Department of Social Welfare in making use of existing hospital facilities under the supervision or inspection of those departments, within or without their respective counties.

270. Annually the board of supervisors of each county shall appropriate for services for handicapped children of the county a sum of money not less than that represented by a rate of one-tenth of one mill (\$0.0001) on each dollar on the assessed valuation of the taxable property in the county, except that whenever the department on or before May 1st of any year certifies to the board of supervisors a smaller amount needed for such purposes in that county, the latter shall be the minimum amount appropriate for expenditure therefor in that county during the next succeeding fiscal year.

(Amended by Stats. 1945, Ch. 1368.)

271. The board of supervisors shall allot the funds appropriated as provided in Section 270 to the local department of public health or local department of public welfare to be used for providing care for handicapped children. The local department of public health or the local department of public welfare may cooperate in this service with the State Department of

Public Health or may provide the care independently, if such services meet minimum standards set by the State Board of Public Health.

(Added by Stats. 1945, Ch. 1367; amended by Stats. 1947, Ch. 385.)

272. A handicapped child shall not be denied services pursuant to this article because he is mentally retarded.

(Added by Stats. 1963, Ch. 1626.)

Article 3. Child Health

(Heading amended by Stats. 1957, Ch. 205)

300. The State Department of Public Health shall maintain a program of child health.

(Amended by Stats. 1957, Ch. 205.)

301. The department may investigate, and disseminate educational information relating to, conditions affecting the health of the children of this State.

(Original 301 repealed by Stats. 1957, Ch. 205. Present 301 formerly 302; amended and renumbered 301 by Stats. 1957, Ch. 205.)

302. This article does not give the department power to force compulsory medical or physical examination of children.

(Formerly 303. Amended and renumbered 302 by Stats. 1957, Ch. 205.)

303. Upon request the department shall advise all public officers, organizations, and agencies interested in the health and welfare of children in the State.

(Formerly 304. Amended and renumbered 303 by Stats. 1957, Ch. 205.)

304. (Amended and renumbered 303 by Stats. 1957, Ch. 205.)

Article 4. Division of Dental Health

(Article 4 repealed and added by Stats. 1949, Ch. 710)

350. The State Department of Public Health shall establish and maintain a division in the Department of Public Health to be known as the Division of Dental Health to study, plan, and under the supervision of the director of the department to administer all functions of the department relating to dentistry and all matters relating to dentistry shall be referred to the dental division.

(Repealed and added by Stats. 1949, Ch. 710.)

351. The Director of Public Health shall appoint a chief of the division who shall be a graduate dentist eligible to license in the State of California.

(Repealed and added by Stats. 1949, Ch. 710.)

352. The division shall have the power and authority to:

(a) Initiate and develop educational activities designed to protect and improve the dental health of the people of the State.

(b) Initiate and develop research programs in service and prevention designed to protect and improve the dental health of the people of the State.

(c) Correlate the work of the division in health procedures, research and administration in the department and with official and nonofficial agencies and educational institutions.

(Repealed and added by Stats. 1949, Ch. 710.)

353. Nothing in this article authorizes the division to compel dental examinations or services.

(Repealed and added by Stats. 1949, Ch. 710.)

354. The State Department of Public Health shall have the power to receive for the division any financial aid granted by any private, federal, state, district, or local or other grant or source, and the division shall use such funds to carry out the provisions and purposes of this article.

(Repealed and added by Stats. 1949, Ch. 710.)

355. No services of any kind for which a license is required by other statutes of the State shall be performed under the provisions of this article, except by a person duly licensed to perform the same.

(Added by Stats. 1949, Ch. 710.)

356. This article is not intended to apply and none of its provisions shall be construed as having any application whatsoever to any person licensed or registered under the provisions of the Dental Practice Act nor to the private practice of dentistry, save only as to persons in the employ of the department or of the division.

(Added by Stats. 1949, Ch. 710.)

Article 5. Laboratory

(Heading amended by Stats. 1957, Ch. 205)

374. The State Department of Public Health shall maintain a laboratory and such branch laboratories as may be necessary to perform the microbiological, physical and chemical analyses required to meet the responsibilities of the department.

(Amended by Stats. 1957, Ch. 205.)

375. It may prepare or purchase biological products and distribute them at cost.

(Original 375 repealed by Stats. 1957, Ch. 205. Present 375 formerly 204; amended and renumbered 375 by Stats. 1957, Ch. 205.)

376. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

377. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Article 5.5. Nursing Education Scholarships

(Article 5.5 added by Stats. 1963, Ch. 1633.)

NOTE: Stats. 1963, Ch. 1633, which added Article 5.5, also contained the following provision:

SEC. 2. The nursing education scholarships which are provided for by Article 5.5 (commencing with Section 380), Chapter 2, Part 1, Division 1 of the Health and Safety Code, as enacted by Section 1 of this act, shall only be available if the Legislature appropriates the money necessary for the scholarships for the 1964-1965 fiscal year or for any fiscal year thereafter.

380. Recognizing that there is a shortage in supply of registered nurses, and that if the number of nursing students is to be materially increased to meet the demand there must first be an increase in the number of persons qualified for teaching or supervising in clinical areas, and further recognizing that the cost of education deters nurses from obtaining the education necessary to qualify them for teaching or supervision in clinical areas, there are hereby created state scholarships which shall be maintained by the State and awarded and administered pursuant to the provisions of this article.

(Added by Stats. 1963, Ch. 1633. See note at beginning of Article 5.5.)

381. There shall be available 10 scholarships per year. The scholarships shall be available to any registered nurse who is enrolled in either of the following programs in a college or university in California which is accredited by the Western Association of Schools and Colleges:

(a) The senior year in a bachelor's degree program in nursing.

(b) A master's degree program in teaching or supervision in a clinical nursing area.

(Added by Stats. 1963, Ch. 1633. See note at beginning of Article 5.5.)

382. No person shall be awarded a scholarship under subdivision (a) of Section 381 unless:

(a) He is a resident of California.

(b) He is licensed as a registered nurse by this State.

(c) He has complied with all the rules and regulations adopted pursuant to this article.

(d) He has agreed that upon completion of the bachelor's degree program he will immediately enroll in an accredited master's degree program in teaching or supervision in a clinical nursing area.

(e) He agrees that immediately upon completion of his master's degree he will assume an employment obligation in California in teaching or supervision in a clinical nursing area, for not less than one year.

(Added by Stats. 1963, Ch. 1633. See note at beginning of Article 5.5.)

383. No person shall be awarded a scholarship under subdivision (b) of Section 381 unless he satisfies the requirements prescribed by subdivisions (a), (b), (c), and (e) of Section 382.

(Added by Stats. 1963, Ch. 1633. See note at beginning of Article 5.5.)

384. The State Department of Public Health shall administer the program of nursing education scholarships and shall for such purpose, adopt such rules and regulations as it determines are necessary to carry out the provisions of this article.

(Added by Stats. 1963, Ch. 1633. See note at beginning of Article 5.5.)

385. Applications for scholarships shall be made to the state department, upon forms provided by it, at the times and in the manner prescribed by the rules and regulations adopted by the state department.

(Added by Stats. 1963, Ch. 1633. See note at beginning of Article 5.5.)

386. The state department shall award the scholarships to the applicants which it determines are best fitted to undertake the educational program for which the scholarships are awarded and will be the best qualified to teach or supervise. In awarding the scholarships the state department may give a preference to applicants who are willing to be available, upon the completion of their educational program, for a position in any part of the State. The state department shall not, however, award any scholarship to an applicant if it determines that the applicant has adequate financial resources to pay the cost of the education necessary to qualify him for teaching or supervision in a clinical area.

(Added by Stats. 1963, Ch. 1633. See note at beginning of Article 5.5.)

387. Scholarships shall be awarded without regard to race, religion, creed, or sex.

(Added by Stats. 1963, Ch. 1633. See note at beginning of Article 5.5.)

388. Each scholarship under this article is for the period of one academic year, and the award shall be:

(a) For a person qualifying under subdivision (a) of Section 381, the sum of two hundred dollars (\$200) per month for 10 months, plus school fees.

(b) For a person qualifying under subdivision (b) of Section 381, the sum of two hundred fifty dollars (\$250) per month for 12 months, plus school fees.

(Added by Stats. 1963, Ch. 1633. See note at beginning of Article 5.5.)

389. A scholarship shall remain in effect only during the period, as determined by the state department, that the person receiving the award achieves satisfactory progress and is regularly enrolled, within the terms of this article, as a full-time student.

(Added by Stats. 1963, Ch. 1633. See note at beginning of Article 5.5.)

Article 6. Sanitary Engineering

400. The State Department of Public Health shall maintain a program of sanitary engineering.

(Amended by Stats. 1957, Ch. 205.)

401. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Article 7. Epilepsy

(Article 7 repealed and added by Stats. 1957, Ch. 205.

See note following Section 112)

410. The State Department of Public Health shall define epilepsy for the purposes of the reports hereinafter referred to:

(1) All physicians shall report immediately to the local health officer in writing, the name, age, and address of every person diagnosed as a case of epilepsy or similar disorders characterized by lapses of consciousness.

(2) The local health officer shall report in writing to the state department the name, age, and address, of every person reported to it as a case of epilepsy.

(3) The state department shall report to the State Department of Motor Vehicles the names, ages, and addresses, of all persons reported as cases of epilepsy by the physicians and local health officers.

(4) Such reports shall be for the information of the State Department of Motor Vehicles in enforcing the provisions of the Vehicle Code of California, and shall be kept confidential and used solely for the purpose of determining the eligibility of any person to operate a motor vehicle on the highways of this State.

(Repealed and added by Stats. 1957, Ch. 205. See note following Section 112.)

411. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

412. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

413. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

414. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Article 8. Mental Health

(Article 8 added by Stats. 1945, Ch. 971)

420. The State Department of Public Health may maintain a mental health service which shall advise and assist local departments of health and education in the establishment of mental health services, particularly in connection with maternal and child health conferences and in the schools of the State.

The department shall coordinate this service with the program of the State Department of Mental Hygiene and may conduct such other activities as may be required in the development of mental health services as related to public health.

This article does not authorize any form of compulsory medical or physical examination, treatment, or control of any person.

(Added by Stats. 1945, Ch. 971.)

Article 9. Air Sanitation

(Article 9 added by Stats. 1955, Ch. 1312)

425. The State Department of Public Health shall maintain a program of air sanitation, including, but not limited to:

(a) The conduct of studies to determine the health effects of air pollution;

(b) The determination of the physiological effects of air pollution upon plant and animal life;

(c) The determination of factors responsible for air pollution;

(d) The monitoring of air pollutants;

(e) The development of administrative means of control of air pollution in emergencies;

(f) Assistance to local agencies in effectuating all of the subdivisions of this section.

(Added by Stats. 1955, Ch. 1312.)

426. The department may enter into agreements with any public or private organization, agency, or individual to carry out its duties and responsibilities with respect to air sanitation.

(Added by Stats. 1955, Ch. 1312.)

426.1. The State Department of Public Health shall, before February 1, 1960, develop and publish standards for the quality of the air of this State. The standards shall be so developed as to reflect the relationship between the intensity and composition of air pollution and the health, illness, including irritation to the senses, and death of human beings, as well as damage to vegetation and interference with visibility.

The standards shall be developed after the department has held public hearings and afforded an opportunity for all interested persons to appear and file statements or be heard. The department shall publish such notice of the hearings as it determines to be reasonably necessary.

The department, after notice and hearing, may revise the standards, and shall publish the revised standards, from time to time.

(Added by Stats. 1959, Ch. 835. In effect June 8, 1959.)

426.5. It shall be the duty of the State Director of Public Health to determine by February 1, 1960, the maximum allowable standards of emissions of exhaust contaminants from motor vehicles which are compatible with the preservation of the public health including the prevention of irritation to the senses, interference with visibility and damage to vegetation.

The standards shall be developed after the department has held public hearings and afforded an opportunity for all interested persons to appear and file statements or be heard. The department shall publish such notice of the hearings as it determines to be reasonably necessary.

The department after notice and hearing may revise the standards, and shall publish the revised standards, from time

to time. In revising the standards the department shall, after February 1, 1960, take into account all emissions from motor vehicles rather than exhaust emissions only.

(Added by Stats. 1959, Ch. 200; amended by Stats. 1960 (1st. Ex. Sess.), Ch. 36.)

NOTE: Stats. 1959, Ch. 200, contained the following provision:

SEC. 3. This act shall be known and may be cited as the Rees-Richards Act.

Article 10. Alcoholic Rehabilitation

(Article 10 added by Stats. 1957, Ch. 1004)

427. There shall be a division established within the State Department of Public Health which shall be known as the Alcoholic Rehabilitation Division. The department shall, through the division, engage in the treatment and rehabilitation of alcoholics by contract with local agencies or otherwise. It shall also, through the division, investigate and study all phases of the rehabilitation of alcoholics and all factors necessary to the reduction and prevention of chronic alcoholism and other excessive uses of alcohol, and shall periodically report its findings thereon to the Governor and to the Legislature together with its recommendations.

(Added by Stats. 1957, Ch. 1004.)

NOTE: Stats. 1957, Ch. 1004, also contained the following provision:

SEC. 4. All persons, other than temporary employees, serving in the state civil service as employees of the Alcoholic Rehabilitation Commission are hereby transferred to the State Department of Public Health on the effective date of this act and shall retain their respective positions in the state civil service subject to the provisions of Article XXIV of the Constitution and laws continued in force thereby or adopted pursuant thereto.

On and after the effective date of this act the unencumbered balance of all money heretofore available for expenditure by the Alcoholic Rehabilitation Commission in carrying out its functions shall be made available for the support of the State Department of Public Health in carrying out its functions under Article 10 (commencing at Section 427) of Chapter 2, Part 1, Division 1 of the Health and Safety Code, and all books, documents, records, and property of the Alcoholic Rehabilitation Commission shall be transferred to the State Department of Public Health.

427.1. The department may contract and cooperate with local governmental agencies and voluntary nonprofit organizations in connection with the development of local programs for the treatment and rehabilitation of alcoholics, and local governmental agencies and voluntary nonprofit organizations are authorized to establish clinics for the treatment and rehabilitation of alcoholics.

(Added by Stats. 1957, Ch. 1004.)

427.2. Any contract entered into pursuant to Section 427.1 after the effective date of this article may provide for financial assistance on behalf of the State.

(Added by Stats. 1957, Ch. 1004.)

427.3. The Alcoholic Rehabilitation Commission is abolished. The department succeeds to and is vested with all powers, duties, responsibilities, and jurisdiction of the commission

under any existing contract between the commission and any local governmental agency or voluntary nonprofit organization.

(Added by Stats. 1957, Ch. 1004.)

427.4. The Director of Public Health may appoint an advisory committee consisting of not more than 15 members serving at his pleasure to advise him and the department in the performance of the duties imposed by this article. He shall also designate the chairman thereof from time to time. The committee shall be solely advisory in character and shall not be delegated any administrative authority or responsibility. Committee members shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in connection with the performance of their duties.

(Added by Stats. 1957, Ch. 1004; amended by Stats. 1961, Ch. 1758.)

427.5. In addition to any other authority prescribed by this article, the board of supervisors of any county may establish and staff a county department to prescribe and conduct or supervise a program for the rehabilitation of alcoholics confined in any county jail, industrial farm, road camp, or in any other county institution, and to further prescribe, conduct, or supervise programs of continuing such rehabilitation on a voluntary basis after the discharge from custody of any inmate of any such county institutions. No program under the provisions of this section shall be activated in any county jail, or other institution maintained or operated under the jurisdiction of the sheriff, without the advice and consent of the sheriff.

(Added by Stats. 1963, Ch. 1239.)

Article 11. Prevention of Blindness

(Article 11 added by Stats. 1959, Ch. 1586)

428. The State Department of Public Health shall maintain a program for the prevention of blindness, including, but not limited to:

(a) Studies to determine the number, distribution, and nature of conditions leading to blindness among the population of the State.

(b) Investigations into the causes of blindness for the purpose of developing control procedures.

(c) Consultations with, and assistance to, local agencies directed toward education for the prevention of blindness, the early identification of conditions leading to blindness, and the application of methods for reducing the amount of blindness resulting from preventable conditions.

(Added by Stats. 1959, Ch. 1586.)

428.1. The department may enter into agreements with any public or private organization, agency, or individual to carry out its duties and responsibilities with respect to the prevention of blindness.

(Added by Stats. 1959, Ch. 1586.)

Article 12. Health of Seasonal Agricultural
and Migratory Workers
(Article 12 added by Stats. 1961, Ch. 337)

429. The State Department of Public Health may maintain a program for seasonal agricultural and migratory workers and their families, consisting of:

(a) Studies of the health and health services for seasonal agricultural and migratory workers and their families throughout the State.

(b) Technical and financial assistance to local agencies concerned with the health of seasonal agricultural and migratory workers and their families.

(c) Co-ordination with similar programs of the federal government, other states, and voluntary agencies.

(Added by Stats. 1961, Ch. 337.)

429.1. The department may contract and co-operate with local governmental agencies and voluntary nonprofit organizations in connection with the development of local health programs for seasonal agricultural and migratory workers and their families.

(Added by Stats. 1961, Ch. 337.)

CHAPTER 3. HOSPITAL SURVEY AND CONSTRUCTION
(Chapter 3 added by Stats. 1947, Ch. 327)

NOTE: Stats. 1947, Ch. 327, which added Chapter 3, also contained these sections:

SECTION 1. The purpose of this act is to provide for the better protection of the public health, which is hereby declared to be a matter of statewide interest and concern, by cooperation with the United States Government in developing and carrying into effect a program for the construction of such hospitals as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital, clinic, and similar services for all of the people of the State, and to that end to comply with and implement the Federal Hospital Survey and Construction Act; and by supplementing the federal assistance provided pursuant to said federal act by providing state financial assistance for the construction of such hospital and other facilities to those agencies empowered to construct and operate hospitals and similar facilities to which the State Constitution permits state assistance to be made available.

SEC. 7. The provisions of this act shall take effect and be operative to the fullest extent possible under the existing provisions of the State Constitution. The remaining provisions, if any, shall severally become operative if, as, and when the Constitution is so amended as to make them possible of enactment, and thereafter they shall have the same force and effect they would have if enacted upon such constitutional amendment or amendments becoming effective.

Article 1. Definitions and General Provisions

430. This chapter may be cited as the "California Hospital Survey and Construction Act."

(Added by Stats. 1947, Ch. 327.)

430.1. As used in this chapter, the terms defined in this article have the meanings set forth in this article.

(Added by Stats. 1947, Ch. 327.)

430.2. "The federal act" includes Public Law 725 of the Seventy-ninth Congress, approved August 13, 1946, entitled the Hospital Survey and Construction Act, as amended by Public Law 482 of the Eighty-third Congress, approved July 12, 1954, entitled the Medical Facilities Survey and Construction Act of 1954, and any other law now enacted by Congress concerning hospitals as defined in this article.

(Added by Stats. 1947, Ch. 327; amended by Stats. 1955, Ch. 1575.)

430.3. "The Surgeon General" means the Surgeon General of the Public Health Service of the United States.

(Added by Stats. 1947, Ch. 327.)

430.4. "Hospital" includes hospitals for the chronically ill and impaired, public health centers and general, tuberculosis, mental, and other types of hospitals and related facilities, such as laboratories, outpatient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals, diagnostic or treatment centers, nursing homes, and rehabilitation facilities, but does not include any institution furnishing primarily domiciliary care.

(Added by Stats. 1947, Ch. 327; amended by Stats. 1955, Ch. 1575.)

430.5. "Public health center" means a publicly owned facility for the provision of public health services, including related facilities such as laboratories, clinics, provisions for bed care, and administrative offices operated in connection with public health centers.

(Added by Stats. 1947, Ch. 327.)

430.6. "Nonprofit hospital," "nonprofit diagnostic or treatment center," "nonprofit rehabilitation facility," and "nonprofit nursing home" mean any hospital, diagnostic or treatment center, rehabilitation facility, and nursing home, as the case may be, which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, or a hospital publicly owned or operated by a public entity or agency of this State.

(Added by Stats. 1947, Ch. 327; amended by Stats. 1955, Ch. 1575.)

430.7. "Construction" includes construction of new buildings, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings; including architects' fees, but excluding the cost of off-site improvements and, except with respect to public health centers, the cost of the acquisition of land.

(Added by Stats. 1947, Ch. 327.)

430.8. This chapter shall not apply to any sanatorium or institution conducted by or for the adherents of any well recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend

upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

(Added by Stats. 1947, Ch. 327.)

430.9. "Diagnostic or treatment center" means a facility for the diagnosis or diagnosis and treatment of ambulatory patients (1) which is operated in connection with a hospital, or (2) in which patient care is under the professional supervision of persons licensed to practice medicine or surgery in the State, or, in the case of dental diagnosis or treatment, under the professional supervision of persons licensed to practice dentistry in the State.

(Added by Stats. 1955, Ch. 1575.)

430.10. "Hospital for the chronically ill and impaired" shall not include any hospital primarily for the care and treatment of mentally ill or tuberculous patients.

(Added by Stats. 1955, Ch. 1575.)

430.11. "Rehabilitation facility" means a facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical, psychological, social, and vocational evaluation and services under competent professional supervision, and in the case of which (1) the major portion of such evaluation and services is furnished within the facility; and (2) either (a) the facility is operated in connection with a hospital, or (b) all medical and related health services are prescribed by, or are under the general direction of, persons licensed to practice medicine or surgery in the State.

(Added by Stats. 1955, Ch. 1575.)

430.12. "Nursing home" means a facility for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who require skilled nursing care and related medical services (1) which is operated in connection with a hospital, or (2) in which such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to practice medicine or surgery in the State.

(Added by Stats. 1955, Ch. 1575.)

Article 2. Administration

431. The State Department of Public Health shall constitute the sole agency of the State for the following purposes:

(a) Making an inventory of existing hospitals, surveying the need for construction of hospitals, and developing a program of hospital construction as provided in Article 3 of this chapter.

(b) Developing and administering a state plan for the construction of public and other nonprofit hospitals as provided in Article 3 of this chapter.

(Added by Stats. 1947, Ch. 327.)

431.1. In carrying out the purposes of this chapter, the department shall:

(a) Require such reports, make such inspections and investigations, and prescribe such regulations as the department deems necessary.

(b) Provide such methods of administration, appoint such personnel, and take such other action as may be necessary to comply with the requirements of the federal act, this chapter, and the regulations thereunder.

(c) Make an annual report to the Governor and to the Legislature on activities and expenditures pursuant to this chapter, including recommendations for such additional legislation as the director considers appropriate to furnish adequate hospital, clinic, and similar facilities to the people of this State.

(Added by Stats. 1947, Ch. 327.)

431.2. The Governor shall appoint an Advisory Hospital Council to advise and consult with the department in carrying out the administration of this chapter. The Council shall consist of the director, who shall serve as chairman ex officio and eight (8) members and shall include representatives of nongovernment organizations or groups, and of state agencies, concerned with the operation, construction or utilization of hospitals, including representatives of the consumers of hospital services selected from among persons familiar with the need for such services in urban or rural areas. Of the members first appointed, four shall be designated by the Governor to hold office until October 1, 1948, and four shall be designated by the Governor to hold office until October 1, 1949. Members other than the members first appointed shall hold office for terms of two (2) years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Council members, while serving on business of the council, shall receive no compensation, but shall be entitled to receive actual and necessary travel and subsistence expenses while so serving away from their places of residence. The council shall meet as frequently as the director deems necessary, but not less than once each year. Upon request by four (4) or more members, the director shall call a meeting of the council.

(Added by Stats. 1947, Ch. 327.)

431.3. All meetings of the council shall be open and public.

(Added by Stats. 1957, Ch. 2223.)

431.4. All records of the council shall be open to inspection by the public during regular office hours.

(Added by Stats. 1957, Ch. 2223.)

431.5. The Advisory Hospital Council may establish a hospital planning region in the San Francisco Bay area, a hospital planning region in the Los Angeles Metropolitan area, a hospital planning region in the San Diego area and a hospital planning region in the South San Joaquin Valley area. The hospital

planning regions shall be determined on the basis of appropriate service areas and population factors.

(Added by Stats. 1961, Ch. 1754; amended by Stats. 1963, Ch. 2032. Effective until 91st day after final adjournment of 1965 Regular Session.)

NOTE 1: Stats. 1961, Ch. 1754, as amended by Stats. 1963, Ch. 2032, also contained the following provisions:

SECTION 1. This act establishes a basis for regional planning to guide communities in developing hospitals of desirable size, location and community service purpose. Through co-ordinated development of hospitals, the people of California can obtain more effective service and can save hundreds of millions of dollars in capital investment during the next decade.

Regional planning for hospitals is complex and involves sensitive relationships between professional groups, institutions and government. State action on planning under this act will be based on advice from regional planning groups which represent consumer and professional viewpoints.

The purpose of this act is to encourage regional plans for hospitals where this planning is needed most urgently and where there is substantial local interest and support. The legislative intent is to provide appropriations to cover limited regional planning activity for not to exceed four regions which can be reviewed by the Legislature before extension of the planning program is authorized.

SEC. 6. This act shall remain in effect until the 91st day after the 1965 Regular Session and shall thereafter be of no further effect.

NOTE 2: Stats. 1963, Ch. 2032, also contained the following provisions:

SEC. 5. The sum of twenty-five thousand dollars (\$25,000) is hereby appropriated out of the General Fund in the State Treasury in augmentation of Item 170 _____ of the Budget Act of 1963 to be expended by the Department of Public Health in carrying out the provisions of this act.

431.6. The Advisory Hospital Council shall appoint a local hospital committee, consisting of not more than 11 members, for each hospital planning region which it establishes. A local hospital committee shall not include more than one health officer, one licensed physician, one hospital administrator, one representative of prepayment plans or insurance carriers, and one member who shall be an administrator of a nursing and convalescent home. The remaining members of a local hospital committee shall represent the public as consumers of hospital services.

The members of a local hospital committee, while serving on the business of the committee, shall receive no compensation, but shall be entitled to receive actual and necessary travel and sustenance expenses while so serving away from their places of residence.

(Added by Stats. 1961, Ch. 1754; amended by Stats. 1963, Ch. 2032. Effective until 91st day after final adjournment of 1965 Regular Session. See notes following Section 431.5.)

431.7. Each local hospital committee shall, upon the request of a local governmental agency or local hospital group, aid local groups in developing regional hospital plans. In carrying out this function a local hospital committee shall:

(a) Review information on utilization of hospitals, related community health facilities and health services.

(b) Develop principles and standards of community need to guide hospitals, related community health facilities and health services in meeting needs of the public.

(c) Conduct public meetings in which professional groups and consumer groups will be encouraged to participate.

(Added by Stats. 1961, Ch. 1754. Effective until 91st day after final adjournment of 1965 Regular Session. See notes following Section 431.5.)

431.8. Each local hospital committee shall make a report of its activities to the Advisory Hospital Council and to the Legislature not later than the 5th legislative day of the 1965 Regular Session.

(Added by Stats. 1961, Ch. 1754; amended by Stats. 1963, Ch. 2032. Effective until 91st day after final adjournment of 1965 Regular Session. See notes following Section 431.5.)

Article 3. Survey and Planning

432. The department shall make an inventory of existing hospitals, including public, nonprofit, and proprietary hospitals, to survey the need for construction of hospitals, and, on the basis of such inventory and survey, shall develop a program for the construction of such public and other nonprofit hospitals as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital, clinic, and similar services to all the people of the State.

(Added by Stats. 1947, Ch. 327.)

432.1. The construction program shall provide, in accordance with regulations prescribed under the federal act, this chapter, and the regulations thereunder, for adequate hospital facilities for the people residing in this State, and insofar as possible shall provide for their distribution throughout the State in such manner as to make all types of hospital service reasonably accessible to all persons in the State.

(Added by Stats. 1947, Ch. 327.)

432.2. The department may make application to the Surgeon General for federal funds to assist in carrying out the survey and planning activities provided for in this article. Such funds shall be deposited in the Department of Public Health Fund in the State Treasury.

(Added by Stats. 1947, Ch. 327.)

432.3. The department shall prepare and submit to the Surgeon General a state plan, and any revisions thereof or supplements thereto, which shall include the hospital construction program developed under this article, and which shall provide for the establishment, administration, and operation of hospital construction activities in accordance with the requirements of the federal act and regulations thereunder.

(Added by Stats. 1947, Ch. 327; amended by Stats. 1955, Ch. 1575.)

432.4. The department shall by regulation prescribe minimum standards for the maintenance and operation of hospitals which receive federal aid for construction under the state plan.

(Added by Stats. 1947, Ch. 327.)

432.5. The state plan shall set forth the relative need for the several projects included in the construction program, determined on the basis of the relative need of different sections of the population and of different areas lacking adequate hospital facilities, giving special consideration to hospitals serving rural communities and areas with relatively small financial resources, and in accordance with the regulations of the Surgeon General prescribed pursuant to the federal act, and shall provide for their construction in the order of relative need so determined, insofar as financial resources available therefor and for maintenance and operations make it possible.

(Added by Stats. 1947, Ch. 327.)

432.6. Applications for hospital construction projects for which federal funds are requested shall be submitted to the department, and may be submitted by the State or any political subdivision thereof or by any public or nonprofit agency authorized to construct and operate a hospital. Each application for a construction project shall conform to federal and state requirements, and shall be submitted in the manner and form prescribed by the department.

Any county which applies for or accepts federal funds for any hospital does so on condition that the hospital for which assistance is requested and accepted, at all times during which it is operated, (a) shall be qualified for a license under Chapter 2 of Division 2 of this code (whether or not said Chapter 2 is otherwise applicable to the hospital), and be subject to inspection under said Chapter 2 to the same extent as are other hospitals to which said Chapter 2 applies; and (b) shall not restrict patients to those unable to pay for their care.

(Added by Stats. 1947, Ch. 1486. Section of same number added by Stats. 1947, Ch. 327; repealed by Stats. 1955, Ch. 1575.)

432.7. The department shall afford to every applicant for assistance for a construction project an opportunity for a fair hearing before the council upon 10 days' written notice to the applicant. If the department, after affording reasonable opportunity for development and presentation of applications in the order of relative need, finds that a project application complies with the requirements of Section 432.6 and is otherwise in conformity with the state plan, it shall approve such application and shall recommend and forward it to the Surgeon General. The department shall consider and forward applications in the order of relative need set forth in the state plan in accordance with Section 432.5.

(Added by Stats. 1947, Ch. 327.)

432.8. From time to time the department shall inspect each construction project approved by the Surgeon General, and

if the inspection so warrants, the department shall certify to the Surgeon General that work has been performed upon the project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment of federal funds is due to the applicant.

(Added by Stats. 1947, Ch. 327.)

432.9. The department is hereby authorized to receive federal funds in behalf of, and transmit them to, such applicants. Money received from the Federal Government for a construction project approved by the Surgeon General shall be deposited in the Department of Public Health Fund, and shall be used solely for payments due applicants for work performed, or purchases made, in carrying out approved projects.

(Added by Stats. 1947, Ch. 327.)

433. Any moneys deposited in the Department of Public Health Fund in accordance with the provisions of this article are appropriated for expenditure by the director for the purposes for which such moneys were received, in accordance with the provisions of this chapter. Any such funds received and not expended for the purposes of this article shall be repaid to the Treasury of the United States.

(Added by Stats. 1947, Ch. 327.)

Article 4. State Assistance for Hospital Construction

435. As used in this article, "public agency" means cities, counties, cities and counties, and local hospital districts.

(Added by Stats. 1947, Ch. 327.)

435.1. "Public agency" also means any corporation, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, which is authorized to construct and operate a hospital.

(Added by Stats. 1947, Ch. 327.)

435.2. The State Department of Public Health shall administer this article, and shall make such rules and regulations as may be necessary to carry out its provisions.

(Added by Stats. 1947, Ch. 327.)

435.3. From any state moneys made available to it for that purpose, the department shall provide assistance pursuant to this article for the construction of hospitals to public agencies which apply therefor, if such public agencies are eligible for such assistance under this article and apply for and accept such assistance upon the conditions specified in this article.

(Added by Stats. 1947, Ch. 327.)

435.4. A public agency is eligible for state assistance under this article only if it qualifies for and receives assistance from the United States Government under the federal act.

(Added by Stats. 1947, Ch. 327.)

435.5. Any public agency which applies for or accepts state assistance for any hospital under this article does so on con-

dition that the hospital for which such assistance is requested and accepted, at all times during which it is operated, (a) shall be qualified for a license under Chapter 2 of Division 2 of this code (whether or not said Chapter 2 is otherwise applicable to the hospital), and be subject to inspection under said Chapter 2 to the same extent as are other hospitals to which said Chapter 2 applies; and (b) shall not restrict patients to those unable to pay for their care.

(Added by Stats. 1947, Ch. 327.)

435.6. The amount of state assistance which shall be provided to any public agency for any hospital under this article shall be a sum equal to the assistance received by the agency for its project under the federal act, but in no event shall the amount of the state assistance exceed one-third of the cost of construction of the project.

(Added by Stats. 1947, Ch. 327; amended by Stats. 1955, Ch. 1575.)

435.7. Application for state assistance under this article shall be made to the State Department of Public Health, in the manner and form prescribed by the department. The department shall prescribe the time and manner of payment of state assistance, if granted.

(Added by Stats. 1947, Ch. 327.)

PART 2. LOCAL ADMINISTRATION

CHAPTER 1. HEALTH OFFICERS AND ORDINANCES

Article 1. County Health Ordinances and Officers

450. The board of supervisors of each county shall take such measures as may be necessary to preserve and protect the public health in the unincorporated territory of the county, including, if indicated, the adoption of ordinances, regulations and orders not in conflict with general laws, and provide for the payment of all expenses incurred in enforcing them.

(Amended by Stats. 1957, Ch. 205.)

451. Each board of supervisors shall appoint a health officer who is a county officer.

(Amended by Stats. 1939, Ch. 413.)

451.5. (Added by Stats. 1939, Ch. 413; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

452. The county health officer shall enforce and observe in the unincorporated territory of his county, all of the following:

(a) Orders and ordinances of the board of supervisors, pertaining to the public health and sanitary matters.

(b) Orders, quarantine and other regulations, and rules prescribed by the State Department of Public Health.

(c) Statutes relating to public health.

(Amended by Stats. 1949, Ch. 968.)

453. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

454. The county health officer shall be a graduate of a medical college of good standing and repute. His compensation shall be determined by the board of supervisors.

(Amended by Stats. 1943, Ch. 925.)

455. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

456. Immediately after the appointment of the health officer, the board of supervisors shall notify the director of the appointment and the name and address of the appointee.

457. The county health officer shall advise on medical matters any board or body in which is vested the management of any county pension or retirement system. He shall attend the meetings of such board or body when such board or body requests him so to do.

(Added by Stats. 1945, Ch. 578.)

459. The county health officer shall investigate health and sanitary conditions in every county jail and other detention facility of the county at least annually. He may make such additional investigations of any county jail or other detention facility of the county as he may determine are necessary. He shall submit his report to the Attorney General, the Board of Corrections, the sheriff or other person in charge of such jail or detention facility, and to the board of supervisors. In any city having a health officer, such health officer shall investigate health and sanitary conditions in every city jail and other detention facility at least annually. He may make such additional investigations of any city jail or detention facility as he may determine are necessary. He shall submit his report to the Attorney General, the Board of Corrections, the person in charge of such jail or detention facility, and to the governing body of the city.

Whenever so requested by the sheriff, the chief of police, the local legislative body, or the board of corrections, but not oftener than twice annually, the county health officer or, in cities having a city health officer, the city health officer, shall investigate health and sanitary conditions in any of the jails and detention facilities described in this section, and submit his report to each of the officers and agencies authorized in this section to request such investigation and to the Attorney General and the Board of Corrections.

The investigating officer shall determine if the food, clothing, and bedding is of sufficient quantity and quality which at least shall equal minimum standards and requirements prescribed by the Board of Corrections for the feeding, clothing and care of prisoners in all county, city and other local jails and detention facilities, and if the sanitation requirements required by

Article 2 (commencing with Section 28620), Chapter 11, Division 21 of this code for restaurants have been maintained.

(Added by Stats. 1953, Ch. 1874; amended by Stats. 1961, Ch. 168.)

460. The board of supervisors may authorize the destruction or the disposition to a public or private medical library of any X-ray photographs and case records which are more than five years old and which were taken by the county health officer in the performance of his duties with regard to infectious and communicable diseases if the county health officer has determined that such X-ray photographs do not show the existence of an infectious or communicable disease.

(Added by Stats. 1957, Ch. 1839.)

461. The board of supervisors of any county, in addition to its other powers and duties may acquire or construct exhibits and displays depicting all or parts of the human body and functions thereof for the purpose of educating the public with regard to human health, and maintain, operate and manage said exhibits and displays in any county or other public building. It may enter into contracts or leases with any other governmental agency or any nonprofit association or corporation, including a county medical association, for the construction and acquisition of such exhibits and displays, and for the maintenance, operation and management of said exhibits and displays in any county or other public building, without consideration except the agreement of said contracting or leasing agency, association or corporation to construct, acquire, maintain, operate and manage said exhibits and displays for the purpose of public health education and upon such other terms and conditions as may be agreed upon by the board and said contracting or leasing agency, association or corporation.

(Added by Stats. 1963, Ch. 945.)

Article 2. County Health Administration for Cities

476. When the governing body of a city in the county consents by resolution or ordinance, the county health officer shall enforce and observe in the city all of the following:

(a) Orders, quarantine regulations, and rules prescribed by the state department and other rules and regulations issued under the provisions of this code.

(b) Statutes relating to the public health.

(Amended by Stats. 1939, Ch. 150, and by Stats. 1949, Ch. 968.)

477. The resolution or ordinance shall be adopted and a certified copy served on the clerk of the board of supervisors on or before the first day of March of any year, and the services of the county health officer in the city shall commence on the first day of July next succeeding the giving of notice. The services shall continue indefinitely until the governing body of the city terminates them by adoption of a

resolution and ordinance and service of a certified copy on the clerk of the board of supervisors on or before the first day of March of any subsequent year. The services of the county health officer shall terminate on the first day of July immediately succeeding the giving of the notice.

478. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Article 2A. Contracts for Local Health Administration
(Article 2A added by Stats. 1939, Ch. 150)

480. The board of supervisors may contract with a city in the county, and the city, through its governing body, may contract with the county for the performance by health officers or other employees of the county of any or all functions relating to, the enforcement in the city of all ordinances thereof relating to public health and sanitation, and the making of all inspections and the performance of all functions in connection therewith.

(Added by Stats. 1939, Ch. 150.)

481. Whenever the contract has been duly entered into, the county health officer and his deputies shall thereupon exercise the same powers and duties in the city as are conferred upon health officers thereof by law.

(Added by Stats. 1939, Ch. 150.)

482. In the contract the city may provide for the payment by the city to the county of such consideration as may be agreed upon, to be paid to the county treasurer of the county, which compensation shall be payable at such times as are specified and shall be in an amount to repay the county for the entire cost to it of the services performed for the city and required in the enforcement of ordinances under the terms of the contract, as nearly as can be estimated or ascertained.

(Added by Stats. 1939, Ch. 150.)

483. The board of supervisors may contract with a city in the county, through its governing body, to secure the performance by the health officer or other health employees of the city, in any unincorporated territory adjacent to the city, of any or all functions relating to public health.

(Added by Stats. 1939, Ch. 150.)

484. Payment for the services in the unincorporated territory shall be made by the county to the city treasurer of the city.

(Added by Stats. 1939, Ch. 150.)

485. The board of supervisors or the governing body of any city or local health district may contract with the county superintendent of schools of the county or with the governing board of any school district located wholly or partially in such county, city or local health district for the performance by health officers or other employees of the public health departments of any or all of the functions and duties set forth

in Chapter 3 of Division 8 of the Education Code, relating to the health supervision of school buildings and of pupils enrolled in the schools of any or all elementary and high school districts over which the county superintendent of schools, or such governing board, has jurisdiction.

In the contract the consideration shall be such as may be agreed upon by the parties to the contract and shall be paid at such times as shall be specified in the contract to the county treasurer, city treasurer or local health district, as the case may be.

(Added by Stats. 1939, Ch. 150; amended by Stats. 1945, Ch. 722, and by Stats. 1957, Ch. 670.)

486. (Added by Stats. 1939, Ch. 150; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Article 3. (Repealed by Stats. 1957, Ch. 205. See note following Section 112)

491. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

492. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

493. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Article 4. City Health Ordinances, Boards, and Officers

500. The governing body of a city shall take such measures as may be necessary to preserve and protect the public health, including the regulation of sanitary matters in the city, and including if indicated, the adoption of ordinances, regulations and orders not in conflict with general laws.

(Amended by Stats. 1957, Ch. 205.)

501. This article does not prevent the appointment by the governing body of a board of health which shall be advisory to the health officer.

502. Every governing body of a city shall appoint a health officer, except when the city has made other arrangements, as specified in this code, for the county or district health officer to exercise the same powers and duties within the city, as are conferred upon health officers thereof by law.

(Amended by Stats. 1957, Ch. 205.)

503. Immediately after the appointment of the city health officer the governing body shall notify the director of the appointment and the name and address of the appointee.

504. Each city health officer shall enforce and observe all of the following:

(a) Orders and ordinances of the governing body of the city pertaining to the public health.

(b) Orders, quarantine and other regulations, and rules, concerning the public health, prescribed by the state department.

(c) Statutes relating to the public health.

(Amended by Stats. 1949, Ch. 968.)

505. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

506. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

507. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

508. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

509. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

510. Whenever the governing body of any city, county, or city and county determines that the expenses of its health officer in the enforcement of any statute, order, quarantine, rule or regulation prescribed by a state officer or department relating to public health, are not met by any fees prescribed by the State, such governing body may adopt an ordinance prescribing such fees as will pay the reasonable expenses of such officer incurred in such enforcement. The schedule of fees prescribed by ordinance of the governing body shall be applicable in the area in which the health officer enforces any statute, order, quarantine, rule or regulation prescribed by a state health officer or department relating to public health.

(Added by Stats. 1961, Ch. 1881.)

Article 5. Sanitaricians

(Article 5 added by Stats. 1945, Ch. 856)

540. "Sanitarian," as used in this article, means a person trained in the field of sanitary science and technology who is qualified to carry out educational and inspectional duties and enforce the law in the field of sanitation.

(Added by Stats. 1945, Ch. 856.)

541. The governing body of a city, of a county, or of a local health district may employ on a full time basis one or more sanitarians each of whom shall be a registered sanitarian as provided for in this article for the purpose of the enforcement of such State statutes relative to public health, and such rules and regulations of the State Board of Public Health, and any local ordinances of a city, county or local health district that relate to the inspection of food products, water supplies, sewage disposal, food establishments, general sanitation or housing; provided, however, that any person who shall be known as assistant sanitarian may without a certificate of registration be employed to work under the supervision of a registered sanitarian until such time as he may be qualified by examination as provided under Section 542 (b), such time not to exceed two years of such employment.

(Added by Stats. 1945, Ch. 856.)

542. The State department shall certify as a registered sanitarian any person who qualifies himself by one of the following procedures:

(a) The State department shall accept for registration as a registered sanitarian (1) any person who on or before January 1, 1946, has passed an official civil service examination as certified by an official agency qualifying him as a sanitarian, food and market inspector, sanitary inspector, or housing inspector, given by the State, or by any city, county or local health district of the State; or (2) any person who has prior to the effective date hereof been employed as a sanitarian, food and market inspector, sanitary inspector, or housing inspector by the State, any city, any county, or any city and county, or any local health district of the State.

(b) The State department may hold examinations in various parts of the State for the purpose of determining persons who are qualified and competent to act as registered sanitarians who desire to become employed on a full time basis in health departments of the State, or of any city, or any county, or of any local health district of the State in the enforcement of State statutes relative to public health, the rules and regulations of the State Board of Public Health and local ordinances pertaining to public health. The State department shall issue a certificate as a registered sanitarian to each person who passes such examination. The State Board of Public Health may by rule establish minimum standards and qualifications for such persons.

(Added by Stats. 1945, Ch. 856.)

CHAPTER 2. PUBLIC HEALTH NURSES

600. The governing body of a city may employ one or more public health nurses, each of whom shall be a registered nurse possessing such qualifications as may at the date of her employment be prescribed by the State department.

601. The public health nurse shall attend to such matters pertaining to the health and sanitary conditions of the city as the governing body may assign to her. Her compensation shall be determined by that body.

602. The board of supervisors in each county may employ one or more public health nurses, each of whom shall be a registered nurse possessing such qualifications as may at the date of her employment be prescribed by the State department.

603. The public health nurse shall attend to such matters pertaining to the health and sanitary conditions of the county as the board of supervisors may assign to her. Her compensation shall be determined by that board.

CHAPTER 3. DENTISTS AND DENTAL HYGIENISTS

700. The governing body of a city may employ one or more dentists or dental hygienists, each of whom shall be a licensed dentist or dental hygienist.

701. The dentist or dental hygienist shall attend to such dental conditions of the city as the governing body may assign to him. His compensation shall be determined by that body.

702. The board of supervisors in each county may employ one or more dentists or dental hygienists, each of whom shall be a licensed dentist or dental hygienist.

703. The dentist or dental hygienist shall attend to such dental conditions of the county, as the board of supervisors may assign to him. His compensation shall be determined by that board.

CHAPTER 4. (Repealed by Stats. 1957, Ch. 205)

800. (Added by Stats. 1941, Ch. 575; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

800.5. (Formerly 800. Amended and renumbered by Stats. 1941, Ch. 575; repealed by Stats. 1957, Ch. 205. See note following Sections 112.)

801. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

802. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

803. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

804. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

805. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

806. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

807. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

808. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

809. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

810. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

811. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

CHAPTER 5. LOCAL HEALTH AND SAFETY REGULATIONS

850. Any board of supervisors may levy a special sanitary tax, not to exceed one-half mill on the one dollar (\$1) of assessed valuation, on all the property in the county, outside of any city.

The tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be used to prevent the introduction of dangerous, infectious, or communicable diseases, to eradicate them if introduced, and for the purpose of general sanitation.

851. Any board of supervisors may adopt such rules and regulations with regard to keeping and storing of every description of gunpowder, hercules powder, giant powder, or other explosives or combustible material, as the safety and protection of the lives and property of individuals may require.

CHAPTER 6. LOCAL HEALTH DISTRICTS

(Chapter 6 repealed by Stats. 1959, Ch. 380.
Operative October 1, 1959)

NOTE: Section 3 of Stats. 1959, Ch. 380, which repealed Chapter 6, was amended by Stats. 1961, Ch. 1362, to read:

* * * * *

Notwithstanding such repeal, the organization, existence, or powers of any district created by, or organized pursuant to, the provisions of such Chapter 6 shall remain unaffected by such repeal, and any such district shall continue to exist and may exercise any of the powers conferred upon it by that chapter. No district shall be created or organized pursuant to that chapter after October 1, 1959.

Notwithstanding the provisions of Chapter 6 (commencing with Section 880) of Part 2 of Division 1 of the Health and Safety Code as the provisions of that chapter existed at the time of their repeal, the district board of any district created by, or organized pursuant to, such provisions, which has continued to exist thereunder shall consist of nine members.

One member shall be appointed from each city in the district, by the governing body of the city, and the remaining members shall be appointed by the board of supervisors from the unincorporated territory in the district at large.

The first additional members appointed to a district board under this section shall classify themselves by lot so that the terms of office of one-half of such members shall expire at the same time as the terms of office of incumbent members which first expire following the date of such appointments, and the terms of office of the other one-half shall expire at the same time as the terms of office of the other incumbent members. The terms of office of their successors shall be the same as for other members appointed to the district board.

Article 1. Definitions and General Provisions

* 880. "District," as used in this part, refers to a district organized pursuant to this chapter or pursuant to any law which it supersedes.

* 881. "District board," as used in this part, refers to the board of trustees of the district.

* 882. For the purposes of this chapter all unincorporated territory in a proposed district and in one county only shall be regarded as an entirety and as a "unit," and each city in a district shall likewise be regarded as a "unit."

* NOTE: Chapter 6, consisting of Sections 880-972, repealed by Stats. 1959, Ch. 380, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

* 883. If the territory of the proposed district is in more than one county, the phrase "board of supervisors" as used in this chapter includes the plural as well as the singular and the same procedure and law as set forth in this chapter for the establishing of a district in one county only likewise applies to the adjoining county or counties all or a portion of whose territory is included in the proposed district.

* 884. Chapter 1 of this part shall not apply to any area in a district except as to ordinances.

(Added by Stats. 1939, Ch. 150.)

Article 2. Formation

* 900. A local health district may be organized pursuant to this chapter.

* 901. A petition to form a district may consist of any number of separate instruments.

* 902. The petition shall set forth and describe the boundaries of the proposed district and shall pray that it be organized as a local health district.

* 903. A district may include incorporated or unincorporated territory, or both, in one or more counties.

The territory of the district shall consist of contiguous parcels only.

The territory of a city shall not be divided.

* 904. Before a city can be included in the proposed district, the governing body of the city shall, by resolution duly authenticated, request the inclusion of the city.

* 905. A petition to form a district shall be signed by registered voters of each unit of the proposed district equal in number to at least 10 per cent of the number of votes cast in each unit respectively for the office of Governor at the last preceding general election at which a Governor was elected.

* 906. The petition may be presented at a regular meeting of the board of supervisors of the county in which all or a portion of the proposed district is situated.

* 907. There shall be published in a daily, semiweekly, or weekly newspaper of general circulation printed and published in each city included in the proposed district for four successive publications all of the following:

(a) A reference to the text of the petition.

(b) A notice of the time of the meeting of the board stating when the petition will be presented and that all persons interested may then appear and be heard.

* 908. If there is situated in the proposed district any city in which there is no such newspaper there shall be posted, prior to the time the petition is to be presented, for 30 successive days in three public places in the city, with the text of the petition as specified in this chapter, a notice of the time of presentation of the petition.

* NOTE: Chapter 6, consisting of Sections 880-972, repealed by Stats. 1959, Ch. 380, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

* 909. At least one month prior to the time at which the petition is presented for hearing, a copy of the text of the petition and of the notice shall be filed with the State department and with the board of supervisors of the county or counties in which it is proposed to form the district.

* 910. In each city and unincorporated unit in a proposed district there shall be posted, prior to the time at which the petition is to be presented, for 30 successive days, copies of all of the following:

(a) Text of the petition.

(b) The notice.

* 911. When the petition is composed of more than one instrument, one copy only need be posted or published.

* 912. No more than five of the names attached to the petition need appear in the publication or posting, but the number of signers shall be stated.

* 913. At the time the petition is presented the board of supervisors shall consider the petition and hear those appearing on, and all protests and objections to, it. It may adjourn the hearing from time to time, not exceeding two months in all.

* 914. Upon the hearing of the petition the board of supervisors shall determine whether it complies with the provisions of this chapter and whether the public necessity or the welfare of the inhabitants of the proposed territory requires the formation of the district.

* 914.5. If the petition is signed by registered voters of each unit of the proposed district, not less in number than 20 percent of the entire vote cast in each unit respectively for the office of Governor at the last gubernatorial election, and contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the board of supervisors shall either:

(a) Pass the ordinance without alteration at a regular meeting within 30 days after the petition is presented; or

(b) Order the matter of the creation of the proposed district to be submitted immediately to the voters registered in the proposed district at an election to be called for that purpose.

(Added by Stats. 1947, Ch. 1092.)

* 914.6. If at the election a majority of all those voting upon the creation of the district, and a majority of those voting thereon in each unit of the proposed district is in favor of the formation of the district, the board of supervisors shall make an order forming the district, and thereupon it is formed. The order shall contain the name of the district and indicate its territorial extent.

(Added by Stats. 1947, Ch. 1092.)

* 915. On the final hearing the board shall make such changes in the proposed boundaries as may be advisable and shall define and establish the boundaries.

* NOTE: Chapter 6, consisting of Sections 880-972, repealed by Stats. 1959, Ch. 380, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

If the board deems it proper to include in the district any territory not included within the boundaries proposed in the petition, the board shall first give notice of its intention to do so, in the manner required for notice of the initial hearing.

* 916. No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures thereto, shall vitiate any proceedings if the petition has a sufficient number of qualified signatures.

* 917. The findings of the board of supervisors are final and conclusive against all persons except the State in a suit commenced by the Attorney General.

* 918. If it appears to the board of supervisors that the petition complies with the provisions of this chapter and that the public necessity or the welfare of the inhabitants requires the formation of the district, it shall by an order entered on its minutes declare its findings, and shall declare and order that the territory within the boundaries so fixed and determined be established as a district, under an appropriate name selected by the board. The name shall include the words "local health district."

* 919. No district involving more than one county shall be formed without the concurrent consent of the respective board of supervisors of each of the counties, as well as the consent of the cities included.

* 920. The county clerk of the county in which the order is issued shall immediately file a certified copy of the order with the Secretary of State and with the county clerk of each county in which, or any portion of, the district is situated.

Within 10 days after the filing the Secretary of State shall issue and deliver to the county clerk a certificate of incorporation reciting that the district (naming it) has been incorporated.

The county clerk shall deliver the certificate of incorporation to the board of trustees of the district at its first meeting.

* 921. From and after the date of the certificate of incorporation, the district is incorporated as a district with all the rights, privileges, and powers set forth in this chapter and those necessarily incident thereto.

* 922. The district is incorporated when the respective counties have fully complied with this chapter, and when the Secretary of State has received the respective certified copies of the orders of the counties and delivered to the respective county clerks within the time specified in this chapter his certificate of incorporation reciting that the district has been incorporated.

* NOTE: Chapter 6, consisting of Sections 880-972, repealed by Stats. 1959, Ch. 380, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

Article 3. Board of Trustees

NOTE: See note at beginning of Chapter 6.

* 925. The governing board of the district is called "the board of trustees of ---- Local Health District" (inserting the name of the particular district).

Within 30 days after the issuance by the Secretary of State of the certificate of incorporation of the district, the district board shall be appointed.

* 926. The district board shall consist of at least five members and shall be created as follows:

(a) The governing body of each county within the district shall appoint one member of the board of trustees for each one hundred thousand (100,000) population of the unincorporated area of the county or fraction thereof, excluding the population of the cities within the county, except that where the population of the unincorporated area exceeds three hundred thousand (300,000) not more than three (3) members shall be appointed by the board of supervisors. For purposes of representation cities of two thousand five hundred (2,500) or less shall be included in the unincorporated area.

(b) The governing body of each city within the district, except cities of two thousand five hundred (2,500) population or less, shall appoint one member of the board of trustees for each one hundred thousand (100,000) population within the city or fraction thereof but no city shall appoint more than three (3) members of the board of trustees.

(c) The board of trustees shall consist of at least five (5) members. If the board of trustees established under subdivisions (a) and (b) has less than five members, additional members shall be appointed according to one of the following methods:

(1) If the district is in one county only, the governing body of that county shall appoint enough additional members to make a board of trustees of five members.

(2) If the district is in two or more counties the governing bodies of the counties shall jointly appoint enough additional members to make a board of trustees of five members.

(d) The provisions of this section shall not affect districts organized before the passage of this act.

(Amended by Stats. 1947, Ch. 1092.)

* 926a. This section shall govern and control the number of members of district boards and the manner of their respective appointments in all districts organized before September 19, 1947.

The district board shall consist of at least five members. One member shall be appointed from each unit of unincorporated territory by the board of supervisors of the county in which the unit is situated.

One member shall be appointed from each city in the district, by the governing body of the city.

* NOTE: Chapter 6, consisting of Sections 880-972, repealed by Stats. 1959, Ch. 380, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

If the district board thereby created consists of less than five members additional members shall be appointed according to one of the following methods:

(a) If the district is in one county only the board of supervisors shall make the appointment from the district at large of enough additional members to make a board of five trustees.

(b) If there are several units of the district in more than one county, one additional member by the board of supervisors of each county where a unit is situated.

(c) By the boards of supervisors jointly if the district includes units in several counties and only one additional member is to be appointed.

(Added by Stats. 1951, Ch. 1255.)

* 927. A vacancy shall be filled by the appointing power for the unexpired term.

* 928. The members shall hold office for the term of four years from the second day of the calendar year next succeeding their appointment; however, the members of the first district board appointed in a district shall at the first meeting of the board so classify themselves by lot that one-half of their number, if the total membership is an even number, and if uneven, that a bare majority of their number, shall go out of office at the expiration of two years from and the remainder at the expiration of four years from, the second day of the calendar year next succeeding their appointment.

Provided, however, the district board of any district organized prior to September 19, 1947, may at any time provide that the terms of all its members shall terminate as of January 1st in the year next succeeding that in which such provision is made, in which event members of the district board shall be appointed pursuant to Section 926a to take office on the January 2d immediately following such termination. The members of the board so appointed shall classify themselves, and they and their successors shall hold office, in the same manner and for the same terms as provided in this section for members of the first district board and their successors.

(Amended by Stats. 1947, Ch. 1092, and by Stats. 1951, Ch. 1254.)

* 929. The members of the district board shall meet on the first Monday subsequent to 30 days after the issuance of the certificate of incorporation by the Secretary of State, and shall organize by the election of one of their members as president and one as secretary.

* 930. The members of the district board shall serve without compensation except that each shall be allowed his actual necessary traveling and incidental expenses incurred in attending meetings of the board.

* NOTE: Chapter 6, consisting of Sections 880-972, repealed by Stats. 1959, Ch. 380, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

* 931. The district board shall provide for the time and place of holding its regular meetings and the manner of calling them, and shall establish rules for its proceedings and may adopt such rules and regulations as may be necessary for the exercise of its powers and duties.

Special meetings of the district board may be called by three members upon notice mailed to each member at least 48 hours before the meeting.

All of its sessions, whether regular or special, shall be open to the public, and a majority of the members shall constitute a quorum for the transaction of business.

Article 4. District Powers

* 935. A local health district may exercise the powers in this chapter granted or necessarily implied.

* 936. A district may do any or all of the following:

(a) Have and use a corporate seal and alter it at pleasure.
(b) Sue and be sued in all actions and proceedings.
(c) Purchase, receive, have, take, hold, lease, use, and enjoy property of every kind and description, both within and without the limits of the district, and control, dispose of, convey, and encumber it and create a leasehold interest in it for the benefit of the district.

(d) Acquire, construct, maintain, and operate all works and equipment necessary for the inspection of water, milk, meat, and other foods.

(e) Acquire, construct, maintain, and operate all works and equipment necessary for the extermination of rodents.

(f) Acquire, construct, maintain, and operate all works and equipment necessary for the disposal of garbage and waste.

(g) Employ public health nurses and health visitors and cooperate with educational authorities in health inspection in public or private schools in the district.

(h) Exercise the right of eminent domain for the purpose of acquiring real or personal property of every kind necessary to the exercise of any of the powers of the district.

(i) Enforce all statutes relating to the public health and vital statistics, and all orders, quarantine regulations, and rules prescribed by the State Department of Public Health and other rules and regulations issued under the provisions of this code.

(j) Enforce such local orders and ordinances pertaining to health and sanitary matters within the district as may be authorized by the appropriate local authorities.

(k) Unite with any other local health district in the exercise of any of the powers granted to and vested in the district, the cost to be paid by each district in such proportion as may be agreed upon by the respective district boards.

* NOTE: Chapter 6, consisting of Sections 880-972, repealed by Stats. 1959, Ch. 380, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

(l) Exercise all other needful powers for the preservation of the health of the inhabitants of the district, whether the powers are expressly enumerated in this chapter or not.

The powers granted in this chapter shall be liberally construed for the purpose of securing the well-being of the inhabitants of the district.

(Amended by Stats. 1949, Ch. 968.)

* 937. The district board of a local health district may contract with the county superintendent of schools of the county for the performance by health officers or other employees of the district of any or all of the functions and duties set forth in Chapter 3 of Division 8 of the Education Code, relating to the health supervision of school buildings and of pupils enrolled in the schools of any or all elementary and high school districts over which the county superintendent of schools has jurisdiction.

In the contract the consideration shall be such as may be agreed upon by the district board and the county superintendent of schools and shall be paid by the county superintendent of schools at such times as shall be specified in the contract into the county treasury to the credit of the district fund.

(Added by Stats. 1955, Ch. 1084.)

Article 5. Administration and Operation

* 940. The district board shall appoint and fix the compensation of a district health officer, who may be removed by the board only by a two-thirds vote of the members. He shall be the holder of a degree in medicine, in sanitary engineering, or in public health, and shall have had at least one year's experience in public health work. He shall devote his entire time to the duties of his office and shall not engage in any other occupation or business.

* 941. The district board shall provide suitable supplies, equipment, and office facilities for the district health officer and, upon his recommendation, shall fix the compensation and define the powers and duties of such deputies and assistants as the board may deem necessary to carry out the provisions of this chapter.

If a meat inspector is employed, he shall be a graduate veterinarian legally qualified to practice veterinary medicine in the State.

* 942. The district health officer, his deputies, and his assistants, shall receive their actual necessary expenses incurred in the performance of their duties. In enforcing State statutes, orders, regulations, and rules, and local orders and ordinances the district health officer shall have such powers as are or may be hereafter conferred by general law upon county or city health officers.

* NOTE: Chapter 6, consisting of Sections 880-972, repealed by Stats. 1959, Ch. 380, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

* 943. All district officers, deputies, and assistants, other than the health officer and the members of the district board, shall be appointed and may be removed by the district board on the recommendation of the district health officer, subject to such rules and regulations as the district board may adopt for the appointment and employment of deputies and assistants, based on merit, efficiency, character, and industry.

* 944. The district health officer is the administrative head of the district and, except as otherwise prescribed in this chapter, shall exercise the powers granted to and vested in the district; except that he may not purchase property or incur expenditures without the approval or ratification of the district board.

Article 6. Finances and Taxation

* 950. Annually, at least 15 days before the first day of the month in which county taxes are levied, the district board shall furnish to the board of supervisors of the county in which any part of the district is situated an estimate in writing of the amount of money necessary for all purposes required under the provisions of this chapter during the next ensuing fiscal year.

Thereupon the board of supervisors shall levy a special tax upon all taxable property of the county lying within the district sufficient in amount to maintain the district.

* 951. If the district embraces territory lying in more than one county, the amount estimated shall be ratably apportioned among the several counties in the district in proportion to the assessed value of the property in the several counties included within the district as shown upon the last assessment rolls of the counties, and the estimate apportioned to the several counties shall be rendered to their respective boards of supervisors and the tax shall be levied and collected by the officials of each county upon the property of the district lying therein.

* 952. The tax for a district shall in no case exceed the rate of fifteen cents (\$0.15) on each one hundred dollars (\$100) of the assessed valuation of all taxable property within the district, but it may be in addition to all other taxes.

* 953. The tax shall be computed, entered upon the tax rolls, and collected in the same manner as county taxes are computed, entered, and collected. All moneys so collected shall be paid into the county treasury to the credit of the district fund and shall be paid out on the order of the district board, signed by the president and secretary.

* 954. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title

* NOTE: Chapter 6, consisting of Sections 880-972, repealed by Stats. 1959, Ch. 380, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727; amended by Stats. 1963, Ch. 1715.)

NOTE: Stats. 1963, Ch. 1715, also contained the following provisions:

Sec. 152. (a) This act applies to all causes of action heretofore or hereafter accruing.

(b) Nothing in this act revives or reinstates any cause of action that, on the effective date of this act, is barred either by failure to comply with any applicable statute, charter or ordinance requiring the presentation of a claim or by failure to commence an action thereon within the period prescribed by an applicable statute of limitations.

(c) Subject to subdivision (b), where a cause of action accrued prior to the effective date of this act and a claim thereon has not been presented prior to the effective date of this act, a claim shall be presented in compliance with this act, and for the purposes of this act such cause of action shall be deemed to have accrued on the effective date of this act.

(d) Subject to subdivision (b), where a cause of action accrued prior to the effective date of this act and a claim thereon was presented prior to the effective date of this act, the provisions of this act so far as applicable shall apply to such claim; and, if such claim has not been acted upon by the board prior to the effective date of this act, such claim shall be deemed to have been presented on the effective date of this act.

Article 7. Annexation of Territory

* 958. Any territory, incorporated or unincorporated, lying adjacent and contiguous to a district, may be annexed to the district at any time upon proceedings being had and taken as provided in this chapter; except that in the annexation the territory of a city shall not be divided.

* 959. Upon receiving a written petition containing a description of territory proposed to be annexed to the district, signed by the owners of more than one-half of the assessed value of the territory as shown by the last county assessment roll, and asking for annexation to the district, the district board shall thereupon submit to the electors of the district and to the electors residing in the territory proposed to be annexed, the proposition whether the territory shall be annexed to the district.

* 960. The election shall be called and held, and notice shall be published for at least four weeks prior to the election in a newspaper printed and published in the district, and also in a newspaper printed and published in the territory proposed to be annexed.

* 961. The proposition to be submitted to the electors at the election, both within the district and within the territory proposed to be annexed, shall be as follows: "For annexation," and "Against annexation," or equivalent words.

* 962. The district board shall canvass the votes cast in the district, and the votes cast in the territory proposed to be annexed, and if it appears from the canvass that a majority of all the ballots cast in the district and a majority of all the ballots cast in the territory proposed to be annexed are in

* NOTE: Chapter 6, consisting of Sections 880-972, repealed by Stats. 1959, Ch. 380, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

favor of annexation, the district board shall certify that fact to the Secretary of State, describing the property proposed to be annexed.

Upon receipt of the certificate, the Secretary of State shall issue his certificate of annexation reciting that the territory (describing it) has been annexed to the ----- Local Health District (naming it), and a copy of the certificate of the Secretary of State shall be transmitted to and filed with the county clerk of each county in which any portion of the district is situated.

* 963. From and after the date of the certificate of annexation the territory described in it is annexed to and forms a part of the district.

* 964. If the property proposed to be annexed includes a city, consent to annexation shall first be obtained from its governing body and an authenticated copy of the resolution or order giving consent shall be attached to and made a part of the petition.

Article 8. Dissolution

* 967. A district may at any time be dissolved upon the vote of a majority of the votes cast at an election called by the district board upon the question of dissolution and the proposition which shall be submitted to the electors at the election shall be as follows: "Shall the district be dissolved?"

(Amended by Stats. 1959, Ch. 380.)

* 968. The election shall be called and held, and notice shall be published for at least four weeks prior to the election in a newspaper printed and published in the district.

* 969. If a majority of the votes cast at the election are in favor of dissolution, the district board shall certify the fact to the Secretary of State, and upon receipt of the certificate, the Secretary of State shall issue his certificate of dissolution reciting that the district (naming it) has been dissolved, and a copy of the certificate shall be transmitted to and filed with the county clerk of each county in which any portion of the district is situated.

(Amended by Stats. 1959, Ch. 380.)

* 970. From and after the date of the certificate of dissolution the district is disincorporated and the property of the district shall be ratably apportioned among the several cities included in the district and the counties in which any portion of the district is situated, in proportion to the assessed value of the property included within the district as shown upon the last county assessment roll or rolls.

* 971. The governing body of each district created herein may enter into a contract with the Board of Administration, California State Employees' Retirement System, making its employees members of that system. Such contracts shall be

* NOTE: Chapter 6, consisting of Sections 880-972, repealed by Stats. 1959, Ch. 330, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

subject to the provisions of the State Employees' Retirement Law governing contracts between governing bodies of public agencies and said board, except that an election among the employees of districts shall not be held.

(Added by Stats. 1947, Ch. 1092.)

* 972. If an employee of a public agency ceases to be such an employee and enters the employ of a district created herein, because of transfer of a health function from said public agency to said district, and if said employee was a member of a retirement system maintained by the public agency, credit as prior service shall be given under the State Employees' Retirement System, for any service which otherwise would have been credited to said employee under the public agency's retirement system; provided, that said employee shall pay forthwith to said State Employees' Retirement System an amount equal to the accumulated contributions refunded to him by the public agency's retirement system.

(Added by Stats. 1947, Ch. 1092.)

CHAPTER 7. MUNICIPAL AND COUNTY LABORATORIES

1000. For the purpose of protecting the community against infectious disease, any city or county may establish a bacteriological and chemical laboratory for the examination of specimens from suspected cases of disease and for the examination of milk, waters, and food products.

1001. The cost of establishment and maintenance of the laboratory is a legal expenditure from any city or county funds that are for disbursement under the direction of the city or county health officer for the protection of public health.

1002. Any city or county laboratory established for the purposes set forth in this chapter shall use only equipment and employ only technical personnel that meets with the approval of the State department.

(Amended by Stats. 1939, Ch. 259.)

CHAPTER 8. STATE AID FOR LOCAL HEALTH ADMINISTRATION

(Chapter 8 added by Stats. 1947, Ch. 1562)

Article 1. Definitions and General Policy

1100. The rapid increase in the population of the State and the increasing industrialization in both the urban and rural areas necessitate the provision of effective public health services to all the people of the State.

In many areas within the State local public health agencies (that is, health departments of counties, cities and local health districts) lack the necessary funds, and the local population lack the means to furnish funds, to provide effective public health services.

* NOTE: Chapter 6, consisting of Sections 380-972, repealed by Stats. 1959, Ch. 380, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

The Legislature therefore seeks to further the provision of necessary public health services by granting financial assistance to cities, counties, and local health districts, thus enabling them to meet present and future health needs in an efficient and effective manner. The funds to be granted are to augment local appropriations provided for public health purposes, and shall not be used to replace local appropriations.

The administrative pattern providing public health services to all the people of the State will vary in different areas. It is generally recognized that the minimum population necessary for efficient administration of a local public health unit is approximately 50,000. To attain this desirable population minimum it will be necessary in some areas for two or more counties to unite and establish a single administrative public health unit.

(Added by Stats. 1947, Ch. 1562.)

1101. "Population," for the purpose of this chapter, shall be determined by the most recent United States decennial census; provided, however, whenever it appears to the State Department of Public Health that the population of any city, county, or city and county has changed sufficiently to warrant adjustment, the State Department of Public Health for purposes of this chapter may determine population for cities, counties, and cities and counties.

(Added by Stats. 1947, Ch. 1562.)

1102. For the purposes of this chapter a "local health department" shall be interpreted to mean any one of the following public health administrative organizations:

(a) A local health district created pursuant to Division 1, Part 2, Chapter 6 of the Health and Safety Code, which includes territory in one or more counties, and which includes at least all of the cities which have less than 50,000 population in such county or counties.

(b) A local health department serving one or more counties which shall on the effective date of this act and thereafter provide services to all cities whose population is less than 50,000 in addition to the unincorporated territory of such county or counties.

(c) A county health department which does not serve all of the cities of less than 50,000 population, but which has the provisional approval of the State Department of Public Health, in accordance with Section 1140.

(d) The health department of a city of 50,000 or greater population, except that the governing body of such city by resolution may declare its intention to be included under the jurisdiction of the county health department, or of the local health district serving other territory in such county, as provided by existing statutes.

(e) The local health department of any county which had under its jurisdiction on the effective date of this chapter a

population in excess of 1,000,000, or the local health department of any city and county.

(Added by Stats. 1947, Ch. 1562; amended by Stats. 1949, Ch. 967, and by Stats. 1951, Ch. 94.)

Article 2. Administration

1110. There is hereby established a California Conference of Local Health Officers with which the board and the department shall consult in establishing standards as provided in this chapter. The conference shall consist of all legally appointed local health officers in the State. It shall organize, and shall annually elect a president, a vice president and a secretary, who shall serve as the executive committee of the conference and each of whom shall be a full-time local health officer. The president of the conference, after consultation with the director, shall appoint, for the purpose of advising with the director, such other committees of the conference as may from time to time be necessary.

Meetings of the conference for the purpose of this chapter shall be called by the director who shall give the members at least ten (10) days' notice of such meetings. At official sessions of meetings of the conference the director shall preside; provided, however, that the conference may hold additional sessions as may be determined by the executive committee of the conference at which the president or other member of the conference shall preside. Those members present at official sessions shall be considered as making up a quorum.

Actual and necessary expenses incident to attendance at not more than two meetings per year of the conference shall be a legal charge against the local governmental unit. Actual and necessary expenses incident to attendance at special meetings of the committees of the conference called by the director shall be a legal charge against any funds available for administration of this chapter.

(Added by Stats. 1947, Ch. 1562.)

1110.1. All meetings of the conference shall be open and public.

(Added by Stats. 1957, Ch. 2222.)

1110.2. All records of the conference shall be open to inspection by the public during regular office hours.

(Added by Stats. 1957, Ch. 2222.)

1110.5. Nothing in this chapter or in any rule or regulation prescribed by the State Department of Public Health in accordance herewith shall compel any practitioner who treats the sick by prayer in the practice of the religion of any well recognized church, sect, denomination, or organization or any persons covered by Sections 2731 and 2800 of the Business and Professions Code to give any information about a disease or disability which is not infectious, contagious, or communicable or authorize any compulsory education, medical examination, or medical treatment.

(Added by Stats. 1947, Ch. 1562.)

1111. The State Department of Public Health shall administer this chapter and the State Board of Public Health shall adopt rules and regulations necessary thereto; provided, however, that such rules and regulations shall be adopted only after consultation with and approval by the California Conference of Local Health Officers. Approval of such rules and regulations shall be by majority vote of those present at an official session.

(Added by Stats. 1947, Ch. 1562.)

1112. The State Department of Public Health may provide for consultant and advisory services and for the training of technical and professional personnel in educational institutions and field training centers approved by said department, and for the establishment and maintenance of field training centers in local health departments and in the State Department of Public Health.

(Added by Stats. 1947, Ch. 1562.)

Article 3. Qualification for Financial Assistance

1120. Such health departments as qualify for assistance as provided herein, on or after the effective date of this chapter, shall receive such financial aid as hereinafter provided as of the date of their becoming eligible.

(Added by Stats. 1947, Ch. 1562.)

Article 4. Standards

1130. The State Department of Public Health, after consultation with and approval by the Conference of Local Health Officers, shall by board regulations establish standards of education and experience for professional and technical personnel employed in local health departments and for the organization and operation of the local health departments. Such standards may include the maintenance of records of services, finances and expenditures, which shall be reported to the State Department of Public Health in a manner and at such times as it may specify.

(Added by Stats. 1947, Ch. 1562.)

Article 5. State Aid

1140. Provisional approval may be given by the State Department of Public Health to a county health department which meets minimum standards as provided for in this chapter, but which does not serve all cities of less than 50,000 population within such county.

(Added by Stats. 1947, Ch. 1562; amended by Stats. 1949, Ch. 967 and by Stats. 1951, Ch. 94.)

1141. From the appropriation made for the purposes of this article, allocation shall be made to the administrative bodies of qualifying local health departments in the following manner;

(a) A basic allotment as follows:

To the administrative bodies of local health departments serving the territory in one or more counties a basic allotment of sixteen thousand dollars (\$16,000) per county or sixty cents (\$.60) per capita per county, whichever is the lesser; provided, however, that if a county is divided into two or more local health department jurisdictions the basic allotment shall be divided between the departments in proportion to the population served by each department, except that no funds shall be available to any city of less than 50,000 population for the maintenance of an independent health department.

(b) A per capita allotment, determined as follows:

After deducting the amounts allowed for the basic allotment as provided in this section, the balance of the appropriation shall be allotted on a per capita basis to the administrative body of each local health department in the proportion that the population of that local health department jurisdiction bears to the population served by all qualified local health departments of the State.

(Added by Stats. 1947, Ch. 1562; amended by Stats. 1953, Ch. 1231.)

1153. After determining the total amounts available to each area, the State Department of Public Health shall notify the governing body of each local health department of such amount, and of the conditions governing its availability.

(Added by Stats. 1947, Ch. 1562.)

1154. No funds appropriated for the purposes of this article shall be allocated to any local health department unless the governing body of such local health department has appropriated for the same period from local funds for the support of such local health department an amount equal to at least twice the per capita allotment provided in Section 1141 (b) of this chapter, such local funds to be wholly exclusive of any state or federal funds received or receivable. Actual expenditures of local funds, exclusive of state or federal funds received, shall be not less than this proportion of the total expenditures.

(Added by Stats. 1947, Ch. 1562.)

1155. No funds appropriated for the purposes of this article shall be allocated to any local health department whose professional and technical personnel and whose organization and program do not meet the minimum standards established by the State Department of Public Health.

(Added by Stats. 1947, Ch. 1562.)

1156. The basic and per capita allotments shall be paid quarterly to the administrative body of each qualifying local health department. Each quarterly payment may be adjusted on a basis of the actual expenditures during the previous quarter, if such adjustment is necessary to maintain the minimum proportional relationship of state and local expenditures as outlined in Section 1154. The State Department of Public Health shall certify to the State Controller the amounts to be paid to

each local health department each quarter and the State Controller shall thereupon draw the necessary warrants, and the State Treasurer shall pay to the administrative body of each local health department the amount so certified. Any such payments may be withheld by the State Department of Public Health if a local health department fails to continue to meet the minimum standards established, provided that not less than 45 days' advance notice of intention to withhold such payments, and the reasons therefor, shall be given to the governing body of the local health department.

(Added by Stats. 1947, Ch. 1562.)

1157. In lieu of any other provisions of this chapter, upon request of the board of supervisors of any county of less than 40,000 population and upon the appropriation for public health purposes by such county of a sum of not less than fifty-five cents (\$0.55) per capita for the total county population, the State Department of Public Health may organize and operate a local public health service in such county. The State Department of Public Health may conduct such local public health service either directly, or by contract with other agencies, or by some combination of these methods as may be agreed upon by the State Department of Public Health and the board of supervisors of the county concerned. The creation of a county board of public health or a similar local advisory group shall be at the discretion of the board of supervisors. The state financial assistance which is appropriated for public health services in counties which have not qualified or do not elect to qualify for such funds under other provisions of this chapter, is hereby made available to the State Department of Public Health for such purposes. Funds expended pursuant to this section shall be in accordance with law regarding expenditures of money appropriated out of the State Treasury, including those in the Budget Act and any applicable provisions of the Government Code.

(Added by Stats. 1953, Ch. 740.)

DIVISION 2. LICENSING PROVISIONS

CHAPTER 1. CLINICS AND DISPENSARIES

(Chapter 1 repealed and added by Stats. 1953, Ch. 1098)

NOTE: Stats. 1953, Ch. 1098, which repealed and added Chapter 1, also contained the following provision:

SEC. 3. It is the intent of the Legislature that Chapter 1 of Division 2 of the Health and Safety Code added by Section 2 of this act shall be considered a revision and continuation of the Chapter 1 of said division repealed by this act; and that all licenses issued under said former chapter shall be continued in existence as though issued under the chapter added by this act; and that all licenses issued to private pay clinics under said former chapter may be renewed from year to year upon compliance with all provisions of the chapter added by this act, and regulations issued thereunder, and all such private pay clinics shall be subject to each and all of the provisions of the chapter added by this act; and that all acts taken in proceedings pending under said former chapter shall not be effected by its repeal.

Article 1. Definitions and General Provisions

(Article 1 repealed and added by Stats. 1953, Ch. 1098)

1200. No person, firm, partnership, association, corporation, or political subdivision of the State, or other governmental agency within the State shall operate, establish, manage, conduct or maintain a clinic or hold out, represent, or advertise by any means, the operation of a clinic in this State, without first obtaining a license therefor as provided in this chapter.

(Repealed and added by Stats. 1953, Ch. 1098; amended by Stats. 1955, Ch. 807.)

1200.5. This chapter does not apply to, and no license is required by, a place or establishment wholly owned and operated by one or more licensed physicians and surgeons or one or more licensed dentists or one or more licensed chiropodists, and used as the office for the practice of medicine and surgery or dentistry or chiropody, as the case may be, of such owners, regardless of the name used publicly to identify such place or establishment.

(Added by Stats. 1955, Ch. 807.)

1201. (Repealed by Stats. 1953, Ch. 1098.)

1202. As used in this chapter "clinic" means any place, establishment, or institution which operates under the name or title of clinic, dispensary, health center, medical center, or any other word or phrase of like or similar import, either independently or in connection with any other purpose, for the purposes of furnishing at the place, establishment, or institution, advice, diagnosis, treatment, appliances, or apparatus, to persons not residing or confined in the place, establishment, or institution, and who are afflicted with bodily or mental disease or injury.

The performance of duties by governmental health officers or school employees, for the purpose of advising and informing persons of means and measures to prevent or avoid disease or injury, shall not be considered clinics under provisions of this chapter.

(Repealed and added by Stats. 1953, Ch. 1098.)

1203. No clinics are eligible for licensure under this chapter, except the classes as defined in the following:

(a) Charitable clinic is a clinic supported and maintained in whole or in part by donations, bequests, gifts or contributions, in which advice, diagnosis, treatment, medicines, drugs, appliances or apparatus concerning bodily and mental disease and injuries is given without charge. No corporation, other than a charitable corporation, shall operate a charitable clinic. No natural person or persons shall operate a charitable clinic. Nominal charges, made and collected from individuals advised or treated in a charitable clinic to defray administrative costs, if approved by the State Department of Public Health do not affect the status or classification of a charitable clinic.

(b) A teaching and research clinic is a clinic operated by or affiliated with any institution of learning which teaches a

recognized healing art and is approved by the state agency having regulation of the practice of that healing art.

(c) An employer's clinic is a clinic operated by an employer, or jointly by two or more employers, without profit to them, for the prevention and treatment of accidental injuries to, and the care of the health of, their employees only.

(d) An employees' clinic is a clinic operated by a group of employees or jointly by employees and employers, without profit to the operators thereof or to any other person, for the prevention and treatment of accidental injuries to, and the care of the health of, the employees comprising such group.

(Repealed and added by Stats. 1953, Ch. 1098; amended by Stats. 1957, Ch. 1666.)

1204. The provisions of this chapter do not apply to the following:

(a) Any clinic conducted, maintained, or operated by the United States Government, or by any of its departments, officers or agencies or by this State, or by any of its political subdivisions or districts, or by any city.

(b) Clinics conducted, maintained, or operated as outpatient departments of hospitals.

(Repealed and added by Stats. 1953, Ch. 1098.)

1205. This chapter does not authorize any person other than a licensed practitioner of a healing art, or any corporation except charitable corporations as expressly provided in this chapter, to furnish to any person medical, or surgical advice, services, or treatment.

This chapter does not authorize any person, other than a licensee of a healing art acting within the scope of his license, to engage directly or indirectly in the practice of medicine, or surgery, or dentistry, or optometry or chiropody or pharmacy.

This chapter does not regulate, govern, or affect in any manner the practice of medicine, surgery, pharmacy, dentistry, optometry, osteopathy, chiropractic, chiropody, or drugless healing by any person duly licensed to engage in such practice.

This chapter does not repeal, alter, modify, or otherwise affect Division 2 of the Business and Professions Code or any section thereof or any act defining, or governing, or regulating the practice of medicine, surgery, pharmacy, dentistry, optometry, osteopathy, chiropractic, chiropody or drugless healing.

(Amended by Stats. 1941, Ch. 487; repealed and added by Stats. 1953, Ch. 1098.)

1206. (Repealed by Stats. 1953, Ch. 1098.)

1207. (Repealed by Stats. 1953, Ch. 1098.)

1208. (Repealed by Stats. 1953, Ch. 1098.)

1209. (Repealed by Stats. 1953, Ch. 1098.)

Article 2. Licenses

(Article 2 repealed and added by Stats. 1953, Ch. 1098)

1210. Any person desiring a license under the provisions of this chapter shall file with the State Department of Public

Health a verified application on a form prescribed and furnished by the department, containing:

- (a) The name and address of the clinic.
- (b) The name and address of the applicant who is responsible for control, management, and direction of the clinic.
- (c) The name and address of the professional licentiate responsible for the professional activities of the clinic.
- (d) The class of clinic to be operated.
- (e) Complete information on the character and scope of advice and treatment to be provided.
- (f) Complete description of the building, its location, facilities, equipment, apparatus, and appliances to be furnished and used in the operation of the clinic.
- (g) Source and anticipated amount of funds and income for the operation of the clinic covering the year for which the application is made.
- (h) Anticipated volume of service to be rendered, the anticipated unit cost, and the anticipated unit charge to be made to patients, covering the year for which the application is made.
- (i) Justification for the operation of the clinic.
- (j) Such additional information as may be required by the department for the proper administration and enforcement of this chapter.

(Repealed and added by Stats. 1953, Ch. 1098.)

1211. Application for renewal of a license shall be made annually by every person holding a license to operate a clinic.

(Repealed and added by Stats. 1953, Ch. 1098.)

1212. Upon the filing of an application for a license or for renewal of license, the department shall investigate the facts set forth in the application.

If the department finds that the statements contained in the application are true, that the establishment or the continued operation of the clinic is in conformity with the intent and purpose of this chapter, that there is need for the clinic in the community in which it is or is proposed to be operated, that the establishment or its continued operation is for the benefit of the public health, and upon full compliance by the applicant with the provisions of this chapter and the rules and regulations promulgated under this chapter, the department shall issue to the applicant the license applied for.

(Amended by Stats. 1941, Ch. 487; repealed and added by Stats. 1953, Ch. 1098.)

1213. Every clinic for which a license has been issued shall be periodically inspected by a duly authorized representative of the department. The department may delegate such of its authority under this chapter as it deems advisable to local health departments, the staffs and inspectorial services of which have the written approval of the Department of Public Health. Reports of each inspection shall be prepared by the representative conducting it upon forms prepared and furnished by the department filed with the department.

(Repealed and added by Stats. 1953, Ch. 1098.)

1214. Information and records concerning any licensee or applicant received by the department under the provisions of this chapter shall not be disclosed except in a proceeding for the revocation, suspension or denial of an application for a license.

(Amended by Stats. 1941, Ch. 487; repealed and added by Stats. 1953, Ch. 1098.)

1215. The department may suspend or revoke any license issued under the provisions of this chapter upon any of the following grounds and in the manner hereinafter provided:

(a) Violation by the licensee of any of the provisions of this chapter or of any other law of this State or of the rules and regulations promulgated under this chapter.

(b) Committing or aiding, abetting or permitting the commission of an illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of California in the maintenance and operation of the premises for which a license is issued.

(Amended by Stats. 1943, Ch. 407; repealed and added by Stats. 1953, Ch. 1098.)

1216. Proceedings for the revocations of licenses under this chapter shall be conducted in accordance with the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the departments shall have all powers granted therein.

(Added by Stats. 1953, Ch. 1098.)

1217. Any licensee whose license has been revoked may thereafter apply for a new license, and his application shall be considered and acted upon by the department as an original application for a license.

(Added by Stats. 1953, Ch. 1098.)

1218. (Repealed by Stats. 1953, Ch. 1098.)

1219. (Repealed by Stats. 1953, Ch. 1098.)

1220. (Repealed by Stats. 1953, Ch. 1098.)

Article 3. Regulations

(Article 3 repealed and added by Stats. 1953, Ch. 1098)

1221. The department shall annually compile a list of clinics as licensed under the provisions of this chapter.

(Repealed and added by Stats. 1953, Ch. 1098.)

1222. The department shall make and promulgate and may thereafter modify, amend, or rescind, reasonable rules and regulations to carry out the purposes of this chapter, classifying clinics, prescribing minimum standards of adequacy, safety and sanitation of the physical plant, equipment and appliances, prescribing minimum standards for assurance of attendance and services of duly qualified licensed practitioners of the healing arts, securing information to establish the necessity of the clinic in the community and services to be provided.

and establishing a basis for making administrative charges to be collected from patients.

(Amended by Stats. 1945, Ch. 891; repealed and added by Stats. 1953, Ch. 1098.)

1223. The license shall be conspicuously posted in the clinic.

(Repealed and added by Stats. 1953, Ch. 1098.)

1224. Every clinic holding a license shall on or before the fifteenth day of February of each year, file with the department upon forms to be furnished by the department, a verified report showing the following:

(a) Number of patients during the preceding year.

(b) Total number of administrative or other charges or fees collected from patients.

(c) Total amount from other sources necessary to make up the total operating cost of clinic for the previous year.

(d) Total operating cost for clinic for the previous year.

(e) Additional information as may be required by the department.

(Repealed and added by Stats. 1953, Ch. 1098.)

1225. (Repealed by Stats. 1953, Ch. 1098.)

1226. (Repealed by Stats. 1953, Ch. 1098.)

1227. (Amended by Stats. 1945, Ch. 891; repealed by Stats. 1953, Ch. 1098.)

1228. (Repealed by Stats. 1945, Ch. 891.)

Article 4. Revenue

(Article 4 repealed and added by Stats. 1953, Ch. 1098)

1229. Each application for a license under this chapter shall be accompanied by an annual fee in the sum of twenty dollars (\$20).

(Added by Stats. 1953, Ch. 1098.)

1230. (Repealed by Stats. 1953, Ch. 1098.)

1231. (Repealed by Stats. 1953, Ch. 1098.)

1232. (Repealed by Stats. 1953, Ch. 1098.)

1233. (Repealed by Stats. 1953, Ch. 1098.)

Article 5. Offenses

(Article 5 repealed and added by Stats. 1953, Ch. 1098)

1234. Any person who violates any of the provisions of this chapter or of the rules and regulations promulgated under this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars (\$500) or by imprisonment in the county jail for a period not to exceed 180 days or by both such fine and imprisonment.

(Repealed and added by Stats. 1953, Ch. 1098.)

1235. The department may bring an action to enjoin the violation or threatened violation of Section 1200 in the superior court in and for the county in which the violation

occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of Code of Civil Procedure, except the department shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

(Repealed and added by Stats. 1953, Ch. 1098.)

1236. Any officer, employee or agent of the State Department of Public Health may enter and inspect any building or premises at any reasonable time to secure compliance with or to prevent a violation of any provision of this chapter.

(Added by Stats. 1953, Ch. 1098.)

1237. The district attorney of every county shall, upon application by the State Department of Public Health, or its authorized representative, institute and conduct the prosecution of any action for violation within his county of any provision of this chapter.

(Added by Stats. 1953, Ch. 1098.)

1240. (Repealed by Stats. 1953, Ch. 1098.)

1241. (Repealed by Stats. 1953, Ch. 1098.)

1242. (Amended by Stats. 1945, Ch. 1211; repealed by Stats. 1953, Ch. 1098.)

1243. (Added by Stats. 1939, Ch. 103; repealed by Stats. 1945, Ch. 1211.)

1251. (Repealed by Stats. 1953, Ch. 1098.)

CHAPTER 2. HOSPITALS

(Chapter 2 repealed and added by Stats. 1945, Ch. 1418)

1400. No person, political subdivision of the State, or other governmental agency within the State, shall establish, conduct or maintain in this State any hospital without first obtaining a license therefor as provided in this chapter.

(Repealed and added by Stats. 1945, Ch. 1418.)

1401. As used in this chapter, "hospital" means any institution, place, building, or agency which maintains and operates organized facilities for one or more persons for the diagnosis, care, and treatment of human illness, including convalescence and including care during and after pregnancy, or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or longer. "Hospital" includes sanatorium, nursing home, and maternity home.

(Repealed and added by Stats. 1945, Ch. 1418; amended by Stats. 1955, Ch. 1464.)

1401.5. The use of the name or title "hospital" by any person or persons to identify or represent a facility for the diagnosis, care, and treatment of human illness other than a facility subject to or specifically exempted from the licensure provisions of this chapter is prohibited. Notwithstanding the provisions of Section 1401 or any other provisions of the laws

of this State, the name or title "hospital" shall not be used by any sanitarium, nursing home, convalescent home, or maternity home unless preceded by some qualifying descriptive word such as convalescent, geriatric, rehabilitation, or nursing.

(Added by Stats. 1953, Ch. 726; amended by Stats. 1961, Ch. 1178.)

1402. Any person, political subdivision of the State or governmental agency desiring a license under the provisions of this chapter shall file with the State department a verified application on a form prescribed, prepared and furnished by the department, containing:

(a) The name of the applicant, and if an individual, whether the applicant has attained the age of 21 years.

(b) The type of institution to be operated.

(c) The location thereof.

(d) The name of the person in charge thereof.

(e) Such other information as may be required by the State department for the proper administration and enforcement of this chapter.

(f) Evidence satisfactory to the State department that the applicant is of reputable and responsible character. If applicant is a firm, association, organization, partnership, business trust, corporation, or company, like evidence shall be submitted as to the members thereof, and the person in charge of the institution for which application for license is made. If the applicant is a political subdivision of the State or other governmental agency, like evidence shall be submitted as to the person in charge of the institution for which application for license is made.

(g) Evidence satisfactory to the State department of the ability of the applicant to comply with the provisions of this chapter and of rules and regulations promulgated under this chapter by the State department.

(Repealed and added by Stats. 1945, Ch. 1418.)

1403. Each application for a license under this chapter, except applications by local hospital districts, cities, or counties, shall be accompanied by a fee determined by the number of beds, exclusive of bassinets, maintained for the use of patients, according to the following schedule of fees:

(a) Less than 50 beds—twenty dollars (\$20);

(b) Fifty beds or more and less than 100 beds—thirty dollars (\$30);

(c) One hundred beds or more and less than 200 beds—forty dollars (\$40);

(d) Two hundred beds or more—fifty dollars (\$50).

(Repealed and added by Stats. 1945, Ch. 1418; amended by Stats. 1947, Ch. 1486, and by Stats. 1955, Ch. 92.)

1404. Each license issued under this chapter shall expire at midnight on the thirty-first day of December of each calendar year and shall be renewed automatically upon the payment of the fee provided for in Section 1403, unless the depart-

ment finds, after hearing, that the hospital has not complied with the provisions of this chapter or the rules and regulations of the department, and returns the fee to the applicant.

(Repealed and added by Stats. 1945, Ch. 1418.)

1405. No person, political subdivision of the State, or other governmental agency within the State, shall continue to operate, conduct or maintain an existing hospital after January 1, 1946, without having applied for and obtained a license as provided in this chapter.

(Repealed and added by Stats. 1945, Ch. 1418.)

1406. Upon the filing of the application for license provided for and full compliance with the provisions of this chapter and the rules and regulations promulgated under this chapter by the State department, the department shall issue to the applicant the license applied for.

(Amended by Stats. 1945, Ch. 892; repealed and added by Stats. 1945, Ch. 1418.)

1407. Every hospital for which a license has been issued shall be periodically inspected by a duly authorized representative of the State department. Reports of each such inspection shall be prepared by the representative conducting it upon forms prepared and furnished by the department filed with the department.

(Repealed and added by Stats. 1945, Ch. 1418.)

1408. An advisory board shall be appointed to assist, advise and make recommendations to the director and the state department in the establishment of rules and regulations necessary to insure the proper administration and enforcement of the provisions of this chapter and for those purposes to serve as consultants to the director.

The board shall consist of the director, who shall serve as chairman ex officio, and seven members, four of whom shall be superintendents or administrators of hospitals with at least five years of experience as such in hospitals having a capacity of 100 beds or more, and at least two of whom shall be administrators or operators of nursing homes with at least five years of experience in the operation of such homes, appointed by the Governor to hold office for four-year terms and until the appointment and qualification of their successors, except that the terms of the members first appointed shall expire as follows: Two shall expire on October 15, 1947; two shall expire on October 15, 1948; and one shall expire on October 15, 1949. The initial terms of each of the two members having experience in the operation of nursing homes shall expire as follows: One shall expire on October 15, 1961; and one shall expire on October 15, 1962. At the time of making the appointments the Governor shall designate the term for which each member of the board is appointed.

(Repealed and added by Stats. 1945, Ch. 1418; amended by Stats. 1959, Ch. 1359.)

1409. Members of the advisory board shall serve without compensation but shall receive their actual and necessary

expenses incurred in the performance of the duties of their office.

(Amended by Stats. 1945, Ch. 892; repealed and added by Stats. 1945, Ch. 1418.)

1410. The advisory board shall meet with the director at least twice each year and at such other times during the year as may be determined from time to time by the director.

(Repealed and added by Stats. 1945, Ch. 1418; amended by Stats. 1959, Ch. 1359.)

1411. The State department, after consultation with the advisory board and receipt of the recommendations of the advisory board in respect thereto, shall make and promulgate, and may thereafter modify, amend, or rescind, reasonable rules and regulations to carry out the purposes of this chapter, classifying hospitals and prescribing minimum standards of safety and sanitation in the physical plant, of diagnostic, therapeutic and laboratory facilities and equipment for each class of hospitals.

(Repealed and added by Stats. 1945, Ch. 1418.)

1411.5. The rules of the hospital may include provisions for use of the hospital facilities by duly licensed podiatrists subject to rules and regulations governing such use established by the medical staff or the podiatric staff of the hospital. Such staff comprised of physicians and surgeons, podiatrists, or any combination thereof, may regulate the admission, conduct, suspension, or termination, of the podiatrists while using the facilities of the hospital. No classification of hospitals by the state department pursuant to Section 1411, nor any other classification of hospitals based on quality of service or otherwise, by any person, body, or governmental agency of this State or any subdivision thereof shall be effected by a hospital's provision for use of its facilities by duly licensed podiatrists, nor shall any such classification be effected by the subjection of the podiatrists to the rules and regulations of a staff comprising podiatrists, physicians and surgeons, or any combination thereof, which govern the podiatrists' use of hospital facilities. No classification of hospitals by any governmental agency of this State or any subdivision thereof pursuant to present law or law passed hereinafter for the purposes of ascertaining eligibility for compensation, reimbursement, or other benefit for treatment of patients shall be effected by a hospital's provision for use of its facilities by duly licensed podiatrists, nor shall any such classification be effected by the subjection of the podiatrists to the rules and regulations of a staff comprising podiatrists, physicians and surgeons, or any combination thereof, which govern the podiatrists' use of hospital facilities.

(Added by Stats. 1963, Ch. 1590.)

1412. The State department may suspend or revoke any license issued under the provisions of this chapter upon any

of the following grounds and in the manner hereinafter provided:

(a) Violation by the licensee of any of the provisions of this chapter or of any other law of this State or of the rules and regulations promulgated under this chapter.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of California in the maintenance and operation of the premises for which a license is issued.

(Added by Stats. 1945, Ch. 1418.)

1413. Proceedings for the suspension or revocation of licenses under this chapter shall be conducted in accordance with the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein. In case of conflict between the provisions of this chapter and the provisions of said Chapter 5, the latter provisions shall prevail.

(Added by Stats. 1945, Ch. 1418; repealed by Stats. 1947, Ch. 1486. Sec. 1413.5 amended and renumbered to be 1413.)

1413.5. (Added by Stats. 1945, Ch. 1418; amended and renumbered 1413 by Stats. 1947, Ch. 1486.)

1414. Any licensee whose license has been revoked may thereafter apply for a new license, and his application shall be considered and acted upon by the State department as an original application for license.

(Added by Stats. 1945, Ch. 1418.)

1415. The provisions of this chapter do not apply to any of the following institutions:

(a) Any hospital conducted, maintained or operated by the United States Government or a duly authorized agency thereof.

(b) Any hospital conducted, maintained or operated by this State or any state department, authority, bureau, commission, or officer, nor to any hospital conducted, maintained or operated by the Regents of the University of California, the autonomous character of said Regents of the University of California having been established by the provisions of Article IX, Section 9, of the Constitution of the State. However, a local hospital district or city is not a state agency or a state department, authority, bureau, commission, or officer within the meaning of this subdivision, and this subdivision does not exempt a hospital conducted, maintained, or operated by a local hospital district or city from the provisions of this chapter.

(c) Any hospital conducted by and for the adherents of any well recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

(d) Hotels or other similar places that furnish only board and room, or either, to their guests.

(e) Establishments, institutions, homes, and other places for the reception and care of the insane, alleged insane, mentally ill, mentally deficient, or other incompetent persons referred to in Division 6 of the Welfare and Institutions Code, subject to the jurisdiction of the State Department of Mental Hygiene.

(f) Establishments, institutions, homes, and other places for the reception and care of children or of aged persons referred to in Divisions 2 and 3 of the Welfare and Institutions Code, respectively, subject to the jurisdiction of the State Department of Social Welfare.

(g) County hospitals, except that the department shall investigate, examine and make reports upon such hospitals, and except that all plans for the use of existing buildings or for new buildings, parts of buildings, or additions to or alterations in buildings, for any such hospitals shall, before their adoption, be submitted to the department for suggestions and approval as to the social requirements of the occupants.

(Added by Stats. 1945, Ch. 1418; amended by Stats. 1947, Ch. 1486, by Stats. 1949, Ch. 311, and by Stats. 1953, Ch. 726.)

1416. Application forms filed pursuant to Section 1402 of this code and the annual reports filed with the department pursuant to Section 275, Article 4, Chapter 1, Title 17 of the Administrative Code are public records and are open to inspection of any citizen of the State at all times during office hours. Reports filed after June 30, 1961 pursuant to Section 1407 of this code are also public records and open to inspection but working papers of the department's representatives from which such reports are prepared shall not be disclosed except in a proceeding for the revocation or suspension of, or denial of an application for, a license. Other information and records concerning any licensee or applicant received by the state department under the provisions of this chapter shall be governed by Section 1227 of the Government Code and by Sections 1881, 1892, 1893 and 1894 of the Code of Civil Procedure.

(Added by Stats. 1945, Ch. 1418; repealed and added by Stats. 1961, Ch. 218.)

1417. Any person who violates any of the provisions of this chapter or of the rules and regulations promulgated under this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars (\$500) or by imprisonment in the county jail for a period not to exceed 180 days or by both such fine and imprisonment.

(Added by Stats. 1945, Ch. 1418; amended by Stats 1947, Ch. 1486.)

1418. The director may bring an action to enjoin the violation or threatened violation of Section 1400 in the superior court in and for the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of

Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

(Added by Stats. 1945, Ch. 1418.)

1418.5. The director may bring an action to enjoin the violation, threatened violation, or continued violation by any nursing and convalescent home of the provisions of this chapter, including the operation of such a home without a license, or of any of the regulations promulgated under this chapter for nursing and convalescent homes, in a case where such violations threaten the health or safety of patients in the home in the superior court located in the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show the lack of an adequate remedy at law or to show or tending to show irreparable damage or loss. Upon a finding by the director that such violations threaten the health or safety of patients in the home, the health officer of any county or city health department which has been delegated inspection authority as defined in Section 1421 may bring an action to enjoin the violation, threatened violation, or continued violation by any nursing and convalescent home which is located in an area which is under his local health jurisdiction of the provisions of this chapter, including the operation of such home without a license, or of any of the regulations promulgated under this chapter for nursing and convalescent homes.

(Added by Stats. 1957, Ch. 2028; amended by Stats. 1959, Ch. 1031, and by Stats. 1963, Ch. 1643.)

1419. Any officer, employee, or agent of the State Department of Public Health may enter and inspect any building or premises at any reasonable time to secure compliance with, or to prevent a violation of, any provision of this chapter.

(Added by Stats. 1947, Ch. 1486.)

1420. The District Attorney of every county shall, upon application by the State Department of Public Health, or its authorized representative, institute and conduct the prosecution of any action for violation within his county of any provisions of this chapter.

(Added by Stats. 1947, Ch. 1486.)

1421. The State Department of Public Health may delegate to local health departments, the staffs and inspectorial services of which have the written approval of the State Department of Public Health, the authority to verify compliance with this chapter, investigate unlicensed facilities, inspect licensed facilities, consult with licensees, require licensees to comply with statutory provisions and the rules and regulations of the state department, and to recommend disciplinary

action by the state department against licensees. In exercising the authority so delegated, the local health department shall conform to the requirements of this chapter and to the rules and regulations as interpreted by the state department.

(Added by Stats. 1947, Ch. 1486; amended by Stats. 1959, Ch. 677.)

1422. Notwithstanding the provisions of Section 1415 of this code, with the exception of subdivision (c) thereof, the state department shall prescribe, promulgate and enforce minimum standards of safety and sanitation in the physical plant, and of diagnostic, therapeutic and laboratory facilities for public medical institutions, other than federal medical institutions, University of California hospitals, and clinics, and other than institutions for mental disease, and all of such public medical institutions shall be subject to the provisions of Chapter 2 of Division 2 of the Health and Safety Code.

This section shall be operative only during such times as the Federal Social Security Act and the rules of the Department of Health, Education and Welfare promulgated thereunder require that such standards shall be established and maintained in order for this State to receive reimbursement from the Federal Government for public assistance payments made to or in behalf of patients in public medical institutions.

(Formerly 212. Added by Stats. 1951, Ch. 540; amended by Stats. 1953, Ch. 746; amended and renumbered 1422 by Stats. 1957, Ch. 205.)

1423. The director shall require as a condition precedent to the issuance, or the renewal, of any license for a nursing and convalescent home, if the operator of the nursing and convalescent home handles or will handle any money of patients within such home, that the applicant for the license or the renewal of the license file or have on file with the director a bond issued by a surety company admitted to do business in this State in a sum to be fixed by the director based upon the magnitude of the operations of the applicant, but which sum shall not be less than one thousand dollars (\$1,000), running to the State of California and conditioned upon his faithful and honest handling of the money of patients within the home.

Every person injured as a result of any improper or unlawful handling of the money of a patient of a nursing and convalescent home may bring an action in a proper court on the bond required to be posted by the operator pursuant to this section for the amount of damage he suffered as a result thereof to the extent covered by the bond.

Whenever the director determines that the amount of any bond which is filed with him pursuant to this section is insufficient to adequately protect the money of patients which is being handled by the operator of a nursing and convalescent home, or whenever the amount of any such bond is impaired by any recovery against the bond, the director may require the operator to file with the director an additional bond in such amount as the director determines is necessary to ade-

quately protect the money of patients which is being handled by the operator of a nursing and convalescent home.

The failure of the operator of any licensed nursing and convalescent home to maintain on file with the director a bond in the amount prescribed by the director pursuant to this section is a ground for the revocation of the license of the nursing and convalescent home.

The provisions of this section shall not apply if the operator of the nursing and convalescent home handles less than twenty-five dollars (\$25) per patient and less than five hundred dollars (\$500) for all patients in the home in any month.

(Added by Stats. 1963, Ch. 1935.)

CHAPTER 2.5. COUNTY MEDICAL FACILITIES

(Chapter 2.5 added by Stats. 1961, Ch. 1993)

Article 1. Administration

(Article 1 added by Stats. 1961, Ch. 1993)

1440. As used in this chapter the term "board" means the board of supervisors of a county.

(Added by Stats. 1961, Ch. 1993.)

1441. The board of supervisors in each county may establish and maintain a county hospital, prescribe rules for the government and management thereof, appoint a county physician and other necessary officers and employees thereof, who shall hold office during the pleasure of the board and authorize said hospital to be a member of and maintain membership in any local, state or national group or association organized and operated for the promotion of the public health and welfare or the advancement of the efficiency of hospital administration and in connection therewith to use tax funds for the payment of dues and fees.

(Added by Stats. 1961, Ch. 1993.)

1443. The board may provide for transporting the needy sick to and from hospitals to which they may be sent by authority of the board, and may provide for transporting indigents to other counties or states when such indigents will thereby cease to become public charges, or when friends or relatives of such indigents agree to assume the cost and expense of the care and maintenance of such indigents, or when such indigents are legally public charges in the places to which they are so transported.

(Added by Stats. 1961, Ch. 1993.)

1444. The board of supervisors in each county or city and county, having a population of one million or more, may purchase ambulances, establish and maintain an ambulance service, and prescribe rules for the government and management thereof. In any county where such a service has been established, any person who has been injured in an accident or is ill and in need of immediate transportation to a hospital may be taken to any available hospital. If he is indigent and

unable to pay for the service, the cost shall be a proper charge against the county. If he is not indigent, he shall reimburse the county for the cost of transportation, which shall be in accordance with a schedule to be adopted by the board, and in no case less than the actual cost.

(Added by Stats. 1961, Ch. 1993.)

1445. Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors in each county may provide for the care and maintenance of the indigent sick or dependent poor of the county, and may provide medical and dental care and health services and supplies to persons in need thereof who are unable to provide the same for themselves, and for these purposes may levy the necessary taxes. Each county may, insofar as it is able to do so, provide the means to meet promptly and adequately the health needs of the indigent sick, the aged, and the poor, for the better prevention of serious illness and incapacity, to the end that such persons will not become public charges at the greater expense of those resources set aside for the public health and welfare.

(Added by Stats. 1961, Ch. 1993.)

1446. Except as otherwise provided in this chapter, a person, in order to be eligible for care, shall be a resident of the State and county wherein care is furnished as defined in Division 4, Chapter 2, Article 2, of the Welfare and Institutions Code.

(Added by Stats. 1961, Ch. 1993.)

1447. Notwithstanding any other provisions of the Welfare and Institutions Code, the county which is responsible for the payment of public assistance to any person or group of persons under Chapter 1 of Part 2 of Division 2, Chapter 1 of Division 3, or Division 5 of that code, and the needy relative in the case of aid to needy children, shall provide the necessary hospital or medical care, or both, if otherwise qualified for such care. If a recipient of public assistance moves from one county to another county within this State to make his home, the county to which such recipient removes shall become responsible for providing medical or hospital care or both upon notification by the first county that such recipient has moved to the second county for the purpose of making his home in said county, provided that the recipient is otherwise qualified for such care, except that he need not meet the residence qualifications set forth in Section 2556 of the Welfare and Institutions Code.

(Added by Stats. 1961, Ch. 1993; amended by Stats. 1963, Ch. 2044.)

NOTE: Stats. 1963, Ch. 2044, also contained the following provision:

SEC. 2. Nothing contained in this act shall affect the right of a county to demand payment from another county under Section 1475 of the Health and Safety Code.

1451. (a) The board shall not let the care, maintenance or attendance of the indigent sick or dependent poor by contract to any person. However, in cases:

(1) Of unusual difficulty, or

(2) Which require treatment, or hospital services, or the use of facilities not immediately available in the county hospital, or

(3) Of emergency and for continued treatment after the emergency has ceased to exist,

the board may secure for the indigent sick, and other persons admissible to the county hospital, at an agreed rate, hospital service or any portion thereof from any public or private hospital, clinic, rest home, sanitarium, or other suitable facility or from any corporation formed under Section 9201 of the Corporations Code or under Chapter 11A of Part 2, Division 2, of the Insurance Code, and operating in the State.

(b) As used in this section, "hospital service" includes medical, surgical, radiological, laboratory, nursing service, convalescent care, and the furnishing of the necessary professional personnel, equipment, and facilities to manage the needs of patients on a continuing basis in accordance with accepted medical standards, with a staff of professional nursing personnel who are assigned and available under a clear and definite responsibility to the institution rendering the service for the provision of services to the patients, and such other care, service or supplies as may be necessary for the treatment of the sick or injured.

(c) The county may also contract with licensed boarding homes for 24-hour care for dependent children under the age of 21 years, when suitable facilities are not otherwise available in any institution or establishment maintained and operated by the county.

(d) The county may also contract for medical treatment of persons admissible to the county hospital with any licensed physician and surgeon, or a corporation operating under Section 9201 of the Corporations Code.

(Added by Stats. 1961, Ch. 1993.)

1451.5. The board may authorize payment for care provided, on or after January 1, 1962, to an indigent resident of the county in a hospital or medical facility located in another state, where that care is provided in an emergency or can be secured at a lesser expense than would be the case were the person to be transported to a comparable facility in this State.

(Added by Stats. 1963, Ch. 2167. Effective July 25, 1963.)

1452. The board of supervisors of counties of the 20th class and 40th to 58th class, inclusive, in connection with the administration of a county hospital may establish in the county treasury a special fund to be known as the "Hospital Trust Fund," into which may be placed deposits made voluntarily by patients entering such hospital.

At the time of any patient's dismissal from a county hospital, there shall be refunded to him, upon the order of the

business manager or other person designated by the board of supervisors, such portion of the deposit made voluntarily by the patient at the time of his entrance into the hospital as was unneeded for his care while confined therein. The portion earned by the hospital shall be transferred to the hospital fund in the county treasury.

Upon presentation of an order for refund under this section, the county auditor shall draw his warrant on the Hospital Trust Fund, and the county treasurer shall pay the amount due thereon.

If no refund is made within 30 days after the patient's discharge, the patient may file a claim against the county pursuant to Article 1 of Chapter 4 of Division 3 of Title 3 of the Government Code.

(Added by Stats. 1961, Ch. 1993.)

1453. The board of supervisors of any county in connection with the administration of any county hospital may establish in the county treasury a special fund to be known as the "patients' personal deposit fund." When such fund is established, any patient in such hospital may request the superintendent thereof to deposit in said fund any moneys belonging to such patient. Upon any such request by any patient any moneys belonging to him shall be deposited in the name of that patient in said patients' personal deposit fund, except that if a guardian of the estate is appointed for any such patient, then said guardian shall have the right to demand and receive such moneys or to withdraw either in whole or in part the moneys theretofore deposited in said fund in the name of any such patient. Any of the funds belonging to a patient deposited in the patients' personal deposit fund may be used for the purchase of personal incidentals for the patient or otherwise used for the personal needs and benefits of said patient upon his request. At the time of the discharge from the hospital of any patient there shall be refunded to him upon the order of the superintendent the balance of any moneys standing to the credit of such patient in said fund.

Prior to the time of the discharge of any patient, upon the demand of the patient there shall be refunded to him upon the order of the superintendent the whole or any portion of the balance of any moneys standing to the credit of such patient in said fund. Upon such demand of the patient, or upon the discharge of the patient from the hospital, or upon the demand of the guardian of the estate of the patient, the superintendent shall order the refund to the patient or the payment to such guardian as hereinbefore provided.

(Added by Stats. 1961, Ch. 1993.)

1454. In any county where a county hospital has been established, any expectant mother who is unable to pay for her necessary care shall be admitted to the county hospital, and the cost of her maintenance and care shall be a proper charge against and shall be paid by the county of her residence.

(Added by Stats. 1961, Ch. 1993.)

1455. The board shall appoint a suitable graduate, or graduates, in medicine to attend such indigent sick or dependent poor in the county hospitals and almshouses.

(Added by Stats. 1961, Ch. 1993.)

Article 2. Liability for Cost of Care
(Article 2 added by Stats. 1961, Ch. 1993.)

1473. The board of supervisors in each county may fix the rates to be charged patients admitted to any county hospital and may direct any county officer to collect the amounts due the county for hospitalization and medical care. In fixing and collecting hospital charges the board may exercise all the powers conferred by Article 4 of Chapter 2 of Division 4 of the Welfare and Institutions Code. The board, or such county officer as it may authorize or designate, may adjust or compromise hospital charges according to the financial condition of the patient, his estate, or legally responsible relatives.

(Added by Stats. 1961, Ch. 1993.)

1474. In collecting charges for care rendered under this chapter, the board may exercise all powers provided in Article 4, Chapter 2, Division 4 of the Welfare and Institutions Code, and as it may be amended at the 1961 Regular Session and thereafter.

(Added by Stats. 1961, Ch. 1993.)

1475. Unless there exists a reciprocal agreement relating to the expense of medical care and treatment, it shall be the duty of every county to pay for the expense of treatment of its indigent residents furnished by the county hospital of any other county. As a condition of liability, the county providing such medical and hospital care shall, not more than ten (10) days after admission, give notice to the county of residence.

(Added by Stats. 1961, Ch. 1993.)

NOTE: See note following Section 1447.

CHAPTER 3. ESTABLISHMENTS FOR HANDICAPPED PERSONS
(Chapter 3 added by Stats. 1947, Ch. 1462)

NOTE—Stats. 1947, Ch. 1462, which added the foregoing chapter to the Health and Safety Code, also contained this section:

SECTION 1. The purpose of this act is to provide for the better protection of the public health, which is hereby declared to be a matter of state-wide interest and concern, by providing for state licensing, inspection, and regulation of public and private establishments which render to handicapped persons other than such as are maintained by a school district or are under the jurisdiction of the Department of Education within the State any one or more of the following services: Schooling, medical advice, diagnosis or treatment, physiotherapy, any form of muscle training, massage, speech training, occupational therapy, vocational training and custodial care.

1500. This chapter may be cited as the Establishments for Handicapped Persons Licensing Law.

(Added by Stats. 1947, Ch. 1462.)

1501. As used in this chapter the following terms have the meanings set forth in this section:

(a) "Special services" means schooling, medical advice or treatment, physiotherapy, any form of muscle training, massage, speech training, occupational therapy, vocational training, and custodial care, or any of them.

(b) "Establishment" means any school, institute, institution, center, custodial home, facility, or other place which provides services for handicapped persons, but does not include any sanatorium, establishment, home or institution conducted by or for the adherents of any well recognized religious sect, denomination or organization for the purpose of providing facilities for the care of handicapped persons who depend upon prayer or spiritual means for healing in the practice of the religion of such sect, denomination or organization, nor does it include any private business school or college, the principal purpose of which is the teaching of business, commercial, and vocational courses.

(Added by Stats. 1947, Ch. 1462.)

1502. No person shall establish, conduct, or maintain in this State any establishment which provides for handicapped persons organized services including any special services without first obtaining a license therefor as provided in this chapter.

(Added by Stats. 1947, Ch. 1462.)

1503. Any person, political subdivision of the State, or governmental agency desiring a license under the provisions of this chapter shall file with the state department a verified application on a form prescribed, prepared and furnished by the department, containing:

(a) The name of the applicant; and, if an individual, whether the applicant has attained the age of 21 years.

(b) The type of establishment and the special services to be rendered by it for handicapped persons.

(c) The location thereof.

(d) The name of the person in charge thereof.

(e) Such other information as may be required by the department for the proper administration and enforcement of this act.

(f) Evidence satisfactory to the state department that the applicant is of reputable and responsible character. If applicant is a firm, association, organization, partnership, business trust, corporation, or company, like evidence shall be submitted as to the members thereof, and the person in charge of the establishment for which application for license is made. If the applicant is a political subdivision of the State or other governmental agency, like evidence shall be submitted as to the person in charge of the establishment for which application for license is made.

(g) Evidence satisfactory to the state department of the ability of the applicant to comply with the provisions of this chapter and of rules and regulations promulgated under this chapter by the state department.

(Added by Stats. 1947, Ch. 1462.)

1504. Each original application for a license under this chapter shall be accompanied by a fee of twenty-five dollars (\$25). Each application for renewal of a license under this chapter shall be accompanied by a fee determined by the total number of handicapped persons enrolled as of the date of application and receiving special services according to the following schedule of fees:

- (a) Less than 30—twenty dollars (\$20).
- (b) Thirty or more but less than 50—thirty dollars (\$30).
- (c) Fifty or more but less than 75—forty dollars (\$40).
- (d) Seventy-five or more—fifty dollars (\$50).

Establishments whose principal support is derived from taxes shall be exempt from the payment of the fees required by this section.

(Added by Stats. 1947, Ch. 1462.)

1505. Each license issued under this chapter shall expire at midnight on the thirty-first day of December of each calendar year and shall be renewed automatically upon the payment of the fee provided for in Section 1504, unless the state department finds after hearing that the applicant has not complied with the provisions of this chapter or the rules and regulations of the department, and returns the fee to the applicant.

(Added by Stats. 1947, Ch. 1462.)

1506. No person, political subdivision of the State, or other governmental agency within the State shall continue to operate or to conduct or maintain any establishment rendering special services to handicapped persons after January 1, 1948, without having applied for and obtained a license as provided in this chapter.

(Added by Stats. 1947, Ch. 1462.)

1507. Upon the filing of the application for license and full compliance with the provisions of this chapter and the rules and regulations promulgated under this chapter by the state department, the department shall issue to the applicant the license applied for.

(Added by Stats. 1947, Ch. 1462.)

1508. The state department from time to time shall make such investigations and inspections as it deems necessary to carry out the provisions of this chapter. Advance notice of the intent to make such investigation or inspection need not be given by the department to any applicant or licensee. A report of each such investigation or inspection shall be prepared by the representative of the department conducting it upon forms prepared and furnished by the department, and shall be filed with the department upon completion of the investigation or inspection.

(Added by Stats. 1947, Ch. 1462.)

1509. The State Board of Health shall make, promulgate, and may thereafter modify, amend or rescind, reasonable rules and regulations to carry out the purposes of this chapter, prescribing minimum standards regarding physical welfare, health,

safety, and sanitation, which shall be maintained by any licensee or applicant for license under the provisions of this chapter.

The state department shall consult with and obtain the advice and recommendations of such other public or private authorities as it deems advisable in order that the minimum standards prescribed pursuant to this section shall give proper recognition to the interdependence of services concerned with mental, physical, and social welfare and education of handicapped persons. The State Board of Health shall give due consideration to such advice and recommendations in prescribing said minimum standards.

(Added by Stats. 1947, Ch. 1462.)

1510. The state department may suspend or revoke any license issued under the provisions of this chapter upon any of the following grounds:

(a) Violation by the licensee of any of the provisions of this chapter or of any other law of this State or of the rules and regulations promulgated under this chapter.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of California in the maintenance and operation of the premises for which a license is issued.

(Added by Stats. 1947, Ch. 1462.)

1511. Proceedings for the suspension or revocation of licenses under this chapter shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

(Added by Stats. 1947, Ch. 1462.)

1512. Any licensee whose license has been revoked may thereafter apply for a new license and his application shall be considered and acted upon by the state department as an original application.

(Added by Stats. 1947, Ch. 1462.)

1513. The provisions of this chapter do not apply to any of the following:

(a) Establishments conducted, maintained, or operated by the United States Government or a duly authorized agency thereof.

(b) Establishments whose activities are restricted solely to the reception and care of the insane, alleged insane, mentally ill, mentally deficient, or other incompetent persons referred to in Division 6 of the Welfare and Institutions Code, subject to the jurisdiction of the State Department of Mental Hygiene.

(c) Establishments subject to the licensing provisions of Chapter 2 of Division 2 of this code.

(d) Services, including special services, provided by licensed practitioners of the healing arts who are governed by Division 2 of the Business and Professions Code. However, any establishment operated, conducted, or maintained by any such licensed practitioner for the purpose of rendering special serv-

ices to handicapped persons is subject to the provisions of this chapter.

(e) Establishments established, conducted or maintained by or under the jurisdiction of, the Department of Education, a county superintendent of schools or of any school district.

(Added by Stats. 1947, Ch. 1462.)

1514. Nothing in this chapter authorizes the state department or the State Board of Health to establish rules and regulations concerning the content of the academic curriculum of any applicant or licensee, or concerning the qualification or certification of teachers in the educational curriculum of any applicant or licensee.

(Added by Stats. 1947, Ch. 1462.)

1515. Information and records concerning any licensee or applicant received by the state department under the provisions of this chapter shall not be disclosed except in a proceeding for the revocation, suspension, or denial of an application for a license.

(Added by Stats. 1947, Ch. 1462.)

1516. The state department shall at all times maintain an up-to-date list showing the names and addresses of all licensees holding valid licenses under this chapter, and copies of said list shall be given to anyone upon request without charge. The use of said lists for commercial purposes is hereby forbidden.

(Added by Stats. 1947, Ch. 1462.)

1517. At the request of the director, legal action against any person who violates any provision of this chapter shall be instituted promptly by the district attorney of the county in which such violation occurs. Any person who violates any provision of this chapter or of the rules and regulations promulgated under this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500) or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and such imprisonment.

The director may bring an action to enjoin violation or threatened violation of this chapter in the superior court in and for the county in which such violation has occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

(Added by Stats. 1947, Ch. 1462.)

CHAPTER 4. HUMAN WHOLE BLOOD, HUMAN WHOLE BLOOD DERIVATIVES, AND OTHER BIOLOGICS

(Chapter 4 added by Stats. 1939, Ch. 910; repealed and added by Stats. 1963, Ch. 1055)

Article 1. Definitions

(Article 1 added by Stats. 1963, Ch. 1055)

1600. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

(Added by Stats. 1939, Ch. 910; repealed and added by Stats. 1963, Ch. 1055.)

1600.1. "Biologics" includes the following products which are offered for sale or distribution for the prevention or treatment of disease:

(a) Human whole blood.

(b) Human whole blood derivatives specified by regulations.

(c) Serum, vaccine, live vaccine, killed vaccine, tissue vaccine, autogenous vaccine, live virus, killed virus, live bacterial culture, killed bacterial culture, bacterin, hormone, tissue extract, gland extract, gland preparation, insulin, and similar products made from human or animal tissues or micro-organisms.

(Added by Stats. 1963, Ch. 1055.)

1600.2. "Blood bank" means any place where human whole blood, and human whole blood derivatives specified by regulation, are collected, prepared, tested, processed, or stored, or from which human whole blood or human whole blood derivatives specified by regulation are distributed.

(Added by Stats. 1963, Ch. 1055.)

1600.3. "Blood bank depository" means any place other than a blood bank where human whole blood and human whole blood derivatives specified by regulation are stored and held for transfusion. Such blood bank depositories shall be clinical laboratories, licensed in accordance with the provisions of Chapter 3 (commencing with Section 1200), Division 2 of the Business and Professions Code, or such other places where services essentially equivalent are maintained, as determined by the department.

(Added by Stats. 1963, Ch. 1055.)

1600.4. "Distribution" includes sale and exchange.

(Added by Stats. 1963, Ch. 1055.)

1600.5. "Production" includes collection, preparation, testing, processing, storage, and distribution of biologics under a license issued by the department.

(Added by Stats. 1963, Ch. 1055.)

1600.6. "Department" means the State Department of Public Health.

(Added by Stats. 1963, Ch. 1055.)

Article 2. Human Whole Blood and Human Whole Blood Derivatives

(Article 2 added by Stats. 1963, Ch. 1055)

1601. No person shall engage in the production of human whole blood unless duly licensed under the provisions of this chapter, except that persons licensed by the Public Health Service, United States Department of Health, Education and Welfare, need not be licensed under the provisions of this Chapter until January 1, 1964.

(Added by Stats. 1939, Ch. 910; amended by Stats. 1949, Ch. 722; repealed and added by Stats. 1963, Ch. 1055.)

1602. No person shall engage in the production of human whole blood derivatives unless duly licensed under the provisions of this chapter, or by the Public Health Service, United States Department of Health, Education, and Welfare.

(Added by Stats. 1939, Ch. 910; amended by Stats. 1957, Ch. 205; repealed and added by Stats. 1963, Ch. 1055.)

1603. The department shall make regulations governing the procedures used in blood banks in the production of human whole blood and human whole blood derivatives. Such regulations shall include minimum standards for all of the following:

- (a) Equipment.
- (b) Methods.
- (c) Personnel qualifications.

(d) Such additional requirements, not inconsistent with this chapter, as may be necessary to carry out the provisions of this chapter.

(Added by Stats. 1939, Ch. 910; amended by Stats. 1957, Ch. 205; repealed and added by Stats. 1963, Ch. 1055.)

1603.5 (Added by Stats. 1957, Ch. 462; repealed by Stats. 1963, Ch. 1055.)

1604. The distribution or release for distribution by blood banks of human whole blood, or those human whole blood derivatives specified by regulation, shall be made only to blood bank depositories or to other licensed blood banks.

(Added by Stats. 1939, Ch. 910; repealed and added by Stats. 1963, Ch. 1055.)

1605. Establishments which receive human whole blood and human whole blood derivatives specified by regulation and are not subject to license in accordance with this chapter shall be considered as blood bank depositories. Laboratory tests and other procedures with respect to the preparation of blood for transfusion shall be the sole responsibility of the blood bank depository.

(Added by Stats. 1939, Ch. 910; amended by Stats. 1957, Ch. 205; repealed and added by Stats. 1963, Ch. 1055.)

1606. The procurement, processing, distribution, or use of whole blood, plasma, blood products, and blood derivatives for the purpose of injecting or transfusing the same, or any of them, into the human body shall be construed to be, and is

declared to be, for all purposes whatsoever, the rendition of a service by each and every person, firm, or corporation participating therein, and shall not be construed to be, and is declared not to be, a sale of such whole blood, plasma, blood products, or blood derivatives, for any purpose or purposes whatsoever.

(Added by Stats. 1939, Ch. 910; repealed and added by Stats. 1963, Ch. 1055.)

1607. Notwithstanding any other provision of law, licensed clinical laboratory bioanalysts, licensed clinical laboratory technologists, registered clinical laboratory technologist trainees, and registered nurses may perform skin puncture and venipuncture for the purposes of collecting human whole blood, provided that (1) such acts are performed in a blood bank licensed pursuant to this chapter, and (2) the acts are performed under the direct and responsible supervision of a licensed physician and surgeon. The licensing and registration referred to in this section shall be licensing and registration pursuant to the Business and Professions Code.

Nothing in this chapter shall prohibit the collection of blood at a state institution or other establishment, under conditions established and acceptable to the department, by the personnel of the institution.

(Added by Stats. 1939, Ch. 910; repealed and added by Stats. 1963, Ch. 1055.)

1608. This chapter does not repeal or in any manner affect any provision of the Business and Professions Code relating to the practice of medicine.

(Added by Stats. 1939, Ch. 910; repealed and added by Stats. 1963, Ch. 1055.)

Article 3. Biologics Other Than Human Whole Blood and Human Whole Blood Derivatives

(Article 3 added by Stats. 1963, Ch. 1055)

1609. No person shall engage in the production of biologics other than human whole blood and human whole blood derivatives unless:

(a) In a laboratory licensed by the Public Health Service, United States Department of Health, Education and Welfare.

(b) In a laboratory licensed by the Animal Inspection and Quarantine Branch, Agricultural Research Service, United States Department of Agriculture.

(c) Under the provisions of this chapter.

(Added by Stats. 1939, Ch. 910; repealed and added by Stats. 1963, Ch. 1055.)

1610. The department shall make rules and regulations governing the production of all biologics produced in establishments under subdivision (c) of Section 1609.

(Added by Stats. 1939, Ch. 910; repealed and added by Stats. 1963, Ch. 1055.)

1611. The department may make rules and regulations governing the transportation or distribution of cultures of micro-organisms which may produce disease in man or animals.
(Added by Stats. 1939, Ch. 910; repealed and added by Stats. 1963, Ch. 1055.)

Article 4. Licenses

(Article 4 added by Stats. 1963, Ch. 1055)

1612. No person shall engage in the production of biologics as defined in this chapter except,

- (a) Under license as provided in this chapter, or
- (b) As exempted in Articles 2 (commencing with Section 1601) and 3 (commencing with Section 1609) of this chapter.
(Added by Stats. 1939, Ch. 910; repealed and added by Stats. 1963, Ch. 1055.)

1613. Applications for licenses shall be made upon forms issued by the department. Such applications shall contain at least the following:

- (a) The name and address of the person owning the place, establishment, or institution in which biologics production is planned.
- (b) The name and address of the person to be in charge of biologics production.
- (c) The types of biologics to be produced.
- (d) A full description of the building, its location, facilities, equipment, and apparatus to be used in biologics production.
- (e) Such additional information as the department may require.

(Added by Stats. 1939, Ch. 910; repealed and added by Stats. 1963, Ch. 1055.)

1614. If the department does not within 60 days after the filing of the application issue a permit, it shall state the grounds and reasons for its refusal in writing, serving a copy upon the applicant.

The notice may be served by registered mail addressed to the applicant at his last known address.

(Added by Stats. 1939, Ch. 910; repealed and added by Stats. 1963, Ch. 1055.)

1615. (a) A license shall be automatically revoked when there is a change of address, ownership, or person in charge of biologics production. However, a new license may be secured for the new location, owner, or person in charge prior to the actual change, provided the contemplated change is in compliance with all the provisions of this chapter, and regulations pertaining thereto.

(b) Proceedings for denial of license shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

(Added by Stats. 1939, Ch. 910; amended by Stats. 1945, Ch. 892; repealed and added by Stats. 1963, Ch. 1055)

Article 5. Revenue

(Article 5 added by Stats. 1963, Ch. 1055)

1616. The amount of the application and license fee and renewal fees under this chapter shall be as follows:

(a) The application fee shall be thirty dollars (\$30), which also shall be the license fee for the first year or portion thereof ending December 31st, and for the succeeding year.

(b) The biennial renewal fee shall be fixed by the department at not more than thirty dollars (\$30), nor less than ten dollars (\$10), provided, however, that when the applicant is a city, county, city and county, district, or official thereof, no fee shall be required.

(c) Licenses shall be renewed every other year. The biennial renewal fee shall be paid on or before the first day of January of the year when due. Failure to pay the biennial fee in advance during the time the license remains in force shall, ipso facto, work a forfeiture of the license after a period of 60 days from the first day of January of the year when due. The department shall give written notice to a licensee 30 days in advance of the regular renewal date.

(d) The department shall fix reasonable charges when necessary for analyzing and testing the products of a licensee.

(Added by Stats. 1939, Ch. 910; repealed by Stats. 1945, Ch. 892; added by Stats. 1963, Ch. 1055.)

Article 6. Enforcement

(Article 6 added by Stats. 1963, Ch. 1055)

1617. The department shall administer the provisions of this chapter.

(Added by Stats. 1939, Ch. 910; repealed by Stats. 1945, Ch. 892; added by Stats. 1963, Ch. 1055.)

1618. (a) Licenses shall be suspended or revoked by the department for the violation of any provision of this chapter, or of any rule or regulation made by the department under authority conferred by this chapter. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, and the department shall have all the powers granted therein.

(b) Licenses may be denied for any reason applicable to revocation and suspension of licenses.

(c) District and city attorneys shall prosecute violations of this chapter upon evidence of violations within their respective jurisdictions submitted by the department.

(Added by Stats. 1939, Ch. 910; repealed and added by Stats. 1963, Ch. 1055.)

1619. Nothing in this chapter shall be considered to be in conflict with Chapter 2 (commencing with Section 26200), Division 21 of this code and all provisions of such chapter shall

apply to biologics within the meaning of this chapter, except that the provisions of such chapter shall not apply to products of:

(a) A laboratory licensed by the Public Health Service, United States Department of Health, Education and Welfare.

(b) A laboratory licensed by the Animal Inspection and Quarantine Branch, Agricultural Research Service, United States Department of Agriculture.

(Added by Stats. 1939, Ch. 910; repealed and added by Stats. 1963, Ch. 1055.)

1620. The violation of any provision of this chapter is a misdemeanor punishable by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or by imprisonment for not more than 30 days, or by both.

1621. (Added by Stats. 1939, Ch. 910; repealed by Stats. 1963, Ch. 1055.)

1622. (Added by Stats. 1945, Ch. 1060; amended by Stats. 1957, Ch. 205; repealed by Stats. 1963, Ch. 1055.)

1623. (Added by Stats. 1955, Ch. 1078; repealed by Stats. 1963, Ch. 1055.)

CHAPTER 5. REGULATION OF USE OF ANIMALS IN DIAGNOSTIC PROCEDURES AND MEDICAL RESEARCH

(Chapter 5 added by Stats. 1951, Ch. 1750)

Article 1. General Provisions

(Article 1 added by Stats. 1951, Ch. 1750)

1650. The public health and welfare depend on the humane use of animals for scientific advancement in the diagnosis and treatment of human and animal diseases, for education, for research in the advancement of veterinary, dental, medical and biologic sciences, for research in animal and human nutrition, and improvement and standardization of laboratory procedures of biologic products, pharmaceuticals and drugs.

(Added by Stats. 1951, Ch. 1750.)

1651. The State Department of Public Health shall administer the provisions of this chapter.

Every provision of this chapter shall be liberally construed to protect the interests of all persons and animals affected.

As used in this chapter, "person" includes: laboratory, firm, association, corporation, copartnership, and educational institution.

As used in this chapter, "board" means the State Board of Public Health.

As used in this chapter, "department" means the Department of Public Health.

(Added by Stats. 1951, Ch. 1750.)

Article 2. Administration and Regulation (Article 2 added by Stats. 1951, Ch. 1750)

1660. The department shall make and promulgate, and may thereafter modify, amend or rescind, reasonable rules and regulations to carry out the purposes of this chapter, including the control of the humane use of animals for the diagnosis and treatment of human and animal diseases, for research in the advancement of veterinary, dental, medical and biologic sciences, for research in animal and human nutrition, and for the testing and diagnosis, improvement and standardization of laboratory specimens, biologic products, pharmaceuticals and drugs. Such rules and regulations shall include requirements for satisfactory shelter, food, sanitation, record keeping, and for the humane treatment of animals by persons authorized by the board to raise, keep or to use animals under the provision of this chapter. The department shall not make or promulgate any rule compelling the delivery of animals for the purpose of research, demonstration, diagnosis, or experimentation.

(Added by Stats. 1951, Ch. 1750.)

1661. The provisions of the Administrative Procedure Act Government Code, Title 2, Division 3, Part 1, Chapter 4, shall be applicable to all the rules and regulations promulgated by the department under the provisions of this chapter.

(Added by Stats. 1951, Ch. 1750.)

1662. The department is hereby authorized to inspect any premises or property on or in which animals are kept for experimental or diagnostic purposes, for the purpose of investigation of compliance with the rules and regulations adopted hereunder. Such inspection or other method of control shall be enforced only by employees of the department and such power and authority may not be delegated to any other persons or agency.

(Added by Stats. 1951, Ch. 1750.)

Article 3. Application of the Chapter (Article 3 added by Stats. 1951, Ch. 1750)

1666. No person shall keep or use animals for diagnostic purposes, education or research unless approved by the board.

(Added by Stats. 1951, Ch. 1750.)

1667. The board shall prescribe the rules under which approval shall be granted including the standards regarding the care and treatment of such animals employed. Any person desiring approval to use animals for the purposes covered by this chapter shall make application to the department for such approval on forms provided by the department. The board shall grant approval on forms provided by the department to any person who has made application in accordance with the provisions of this article and who is found to be in compliance with the provisions of this chapter and the rules and regulations of the board. Any person keeping or using animals under the provisions of this chapter shall display in a prominent place the

certificate of approval granted for such purpose. Such approval shall remain in effect for one fiscal year if not revoked by the board. If the board does not within ninety (90) days after the filing of this application grant approval it shall state the grounds and reasons for its refusal in writing, serving a copy upon the applicant, the notice may be served by registered mail addressed to the applicant at his last known address.

(Added by Stats. 1951, Ch. 1750.)

1668. The board may, upon its own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any person keeping or using animals for research or diagnostic purposes within this State, and it may temporarily suspend or permanently revoke a certificate of approval at any time where the holder of such a certificate, within the immediately preceding three years, while a holder of a certificate of approval, in performing or attempting to perform any of the acts within the scope of this chapter, has been guilty of the breach of any of the provisions of this chapter or of any reasonable rule or regulation adopted by the board for the purpose of carrying out the provisions of this chapter. The board may promulgate and adopt reasonable rules and regulations concerning the procedure for the drafting, filing and disposition of verified complaints of individuals. Procedure for revocation or suspension of approval shall be in accordance with the provision of the Administrative Procedure Act Government Code, Title 2, Division 3, Part 1, Chapter 5, and the department shall have all the powers granted therein.

(Added by Stats. 1951, Ch. 1750.)

1669. This chapter does not apply to any veterinary licensed to practice veterinary medicine in this State or to any place of business operated by such veterinary, nor to animal training, animal cosmetics and routine animal husbandry practices, nor to laboratories subject to control or regulation by the National Institutes of Health or the Federal Bureau of Animal Industry.

(Added by Stats. 1951, Ch. 1750.)

1670. Nothing contained in this chapter shall be construed to limit or restrict the right of counties, cities, cities and counties, towns or townships, to adopt or enforce ordinances or other regulations regulating the use or procurement of animals for diagnostic procedures or medical research, and any such ordinances or regulations now in effect are not affected by this chapter. It is the intent of this chapter to provide state regulation of the use of animals in diagnostic procedures and medical research concurrently with and supplementary to local regulations, but not to preclude the exercise by counties, cities, cities and counties, towns or townships, of such regulatory power as they may possess in this field under the Constitution and statutes of this State.

(Added by Stats. 1951, Ch. 1750.)

Article 4. Offenses Against the Chapter
(Article 4 added by Stats. 1951, Ch. 1750)

1672. It is unlawful for any person to use animals for the purposes provided for in this chapter without the approval of the board.

(Added by Stats. 1951, Ch. 1750.)

1673. Any person who violates this chapter is guilty of a misdemeanor.

(Added by Stats. 1951, Ch. 1750.)

Article 5. Revenue
(Article 5 added by Stats. 1951, Ch. 1750)

1676. An annual fee, to be employed for the enforcement of this act, shall accompany each application for approval. The annual fee payable to the Department of Public Health shall be in the following amount:

(a) With respect to any person who in the previous calendar year used 500 or less animals for any of the purposes specified in this chapter, the fee shall be five dollars (\$5).

(b) With respect to any person who in the previous calendar year used more than 500 but less than 2,500 animals for any of the purposes specified in this chapter, the fee shall be twenty-five dollars (\$25).

(c) With respect to any person who in the previous calendar year used 2,500 or more animals for any of the purposes specified in this chapter, the fee shall be two hundred dollars (\$200).

(Added by Stats. 1951, Ch. 1750; amended by Stats. 1953, Ch. 724.)

1677. Annual fees payable under this chapter shall become due and payable by each person approved by the board on or before March 1st in each year. Such fees shall be paid by the department into the General Fund in the State Treasury. It is the intention of the Legislature that the costs of administering this act shall be substantially covered by the revenues collected hereunder.

(Added by Stats. 1951, Ch. 1750.)

CHAPTER 6. AUDIOMETRISTS
(Chapter 6 added by Stats. 1957, Ch. 205)

1685. The governing body of a city, county, city and county or school district may employ one or more school audiometrists, each of whom shall be registered with the State Board of Public Health and possess such qualifications as may at the date of registration be prescribed by the said state board.

The school audiometrist shall give audiometric tests with instruments meeting the standards established by the American Standards Association. Subject to Section 16483 of the Education Code, such tests may be administered to school and pre-

school children in school buildings and other places as are or may be used by schools for otologic examinations, and in official public health otological diagnostic clinics.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

1686. The State Board of Public Health shall, subject to the provisions of Section 1685, issue certificates of registration to school audiometrists. The said state board shall prescribe such qualifications as may be necessary for the testing of the hearing of school children.

Candidates for registration who present evidence of satisfactory experience of at least two years in the testing of hearing of school children in public or parochial schools or other tax maintained institutions of this State, or who present evidence of having satisfactorily completed a course in audiometry in a recognized university, college or institute in this State, may be issued certificates of registration without further examination.

The said state board shall require a registration fee not to exceed three dollars (\$3).

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

CHAPTER 7. CANCER

(Chapter 7 added by Stats. 1959, Ch. 789)

1700. The effective diagnosis, care, treatment or cure of persons suffering from cancer is of paramount public importance. Vital statistics indicate that approximately 16 percent of the total deaths in the United States annually result from one or another of the forms of cancer. It is established that accurate and early diagnosis of many forms of cancer, followed by prompt application of methods of treatment which are scientifically proven, either materially reduces the likelihood of death from cancer or may materially prolong the useful life of individuals suffering therefrom.

Despite intensive campaigns of public education, there is a lack of adequate and accurate information among the public with respect to presently proven methods for the diagnosis, treatment, and cure of cancer. Various persons in this State have represented and continue to represent themselves as possessing medicines, methods, techniques, skills, or devices for the effective diagnosis, treatment, or cure of cancer, which representations are misleading to the public, with the result that large numbers of the public, relying on such representations, needlessly die of cancer, and substantial amounts of the savings of individuals and families relying on such representations are needlessly wasted.

It is, therefore, in the public interest that the public be afforded full and accurate knowledge as to the facilities and methods for the diagnosis, treatment, and cure of cancer available in this State and that to that end there be provided means for testing and investigating the value or lack thereof of

alleged cancer remedies, devices, drugs, or compounds, and informing the public of the facts found, and protecting the public from misrepresentation in such matters.

The importance of continuing scientific research to determine the cause or cure of cancer is recognized, and the department shall administer this chapter with due regard for the importance of bona fide scientific research and the clinical testing in hospitals, clinics, or similar institutions of new drugs or compounds.

(Added by Stats. 1959, Ch. 789.)

1701. There is in the State Department of Public Health a Cancer Advisory Council composed of nine physicians and surgeons licensed to practice medicine in, and residing in, this State, three persons who are not physicians and surgeons, two persons representing nonprofit cancer research institutes recognized by the National Cancer Institute, and the director of the department, who shall be an ex officio member. The members of the council shall be appointed by the Governor to serve for terms of four years. The Governor shall make the first appointments hereunder for terms expiring, respectively, on the fifteenth day of January, as follows: three in the year 1960, three in the year 1961, four in the year 1962, and four in the year 1963. The Governor, in appointing the first members, shall appoint at least one member from the faculty of each of the schools teaching medicine and surgery and located in this State that are approved by the State Board of Medical Examiners and the State Board of Osteopathic Examiners, or either of them. The Governor shall endeavor to maintain one member from the faculty of each school in making subsequent appointments.

(Added by Stats. 1959, Ch. 789.)

1702. The members of the council, other than the director of the department, shall receive no compensation for their services, but shall be allowed their actual necessary traveling expenses incurred in the discharge of their duties.

(Added by Stats. 1959, Ch. 789.)

1703. The council shall annually elect one of its members to serve as chairman. The council shall meet at least twice each year, and as often in addition as necessary, for the purpose of carrying out its duties.

(Added by Stats. 1959, Ch. 789.)

1704. The department shall:

(a) Prescribe reasonable rules and regulations with respect to the administration of this chapter.

(b) Investigate violations of the provisions of this chapter, and report such violations to the appropriate enforcement authority.

(c) Secure the investigation and testing of the content, method of preparation, efficacy, or use of drugs, medicines, compounds, or devices proposed to be used, or used, by any individual, person, firm, association, or other entity in the State for the diagnosis, treatment, or cure of cancer, prescribe

reasonable regulations with respect to such investigation and testing, and make findings of fact and recommendations upon completion of any such investigation and testing.

(d) Hold hearings in respect of those matters involving compliance with the provisions of this chapter and subpoena witnesses and documents. Any or all such hearings may be held before the Cancer Advisory Council. Any administrative action to be taken by the department as a result of such hearings shall be taken only after receipt of the recommendations of the council. Prior to issuance of a cease and desist order under Section 1711, a hearing shall be held. The person furnishing a sample under Section 1707 shall be given due notice of such hearing and an opportunity to be heard.

(e) Contract with independent scientific consultants for specialized services and advice.

In the exercise of the powers granted by this section, the department shall consult with the Cancer Advisory Council.

(Added by Stats. 1959, Ch. 789.)

1705. For the purposes of this chapter "cancer" means all malignant neoplasms regardless of the tissue of origin, including malignant lymphoma and leukemia.

(Added by Stats. 1959, Ch. 789.)

1706. No person may undertake to treat or alleviate cancer by use of drugs, surgery, or radiation unless such person holds a license issued under a law of this State expressly authorizing the diagnosis and treatment of disease by use of drugs, surgery, or radiation.

(Added by Stats. 1959, Ch. 789.)

1707. On written request by the department, delivered personally or by mail, any individual, person, firm, association, or other entity engaged, or representing himself, or itself, as engaged, in the diagnosis, treatment, alleviation, or cure of cancer shall furnish the department with such sample as the department may deem necessary for adequate testing of any drug, medicine, compound, or device used or prescribed by such individual, person, firm, association, or other entity in the diagnosis, treatment, alleviation, or cure of cancer, and shall specify the formula of any drug or compound and name all ingredients by their common or usual names, and shall, upon like request by the department, furnish such further necessary information as it may request as to the composition and method of preparation of and the use to which any such drug, compound, or device is being put by such individual, person, firm, association, or other entity. This section shall apply to any individual, person, firm, association, or other entity that renders health care or services to individuals who have or believe they have cancer. This section also applies to any individual, person, firm, association, or other entity that by implication causes individuals to believe they have cancer.

The failure to either provide the sample, disclose the formula, or name the ingredients as required by this section shall be conclusively presumed that the drug, medicine, compound or

device which is the subject of the department's request has no value in the diagnosis, treatment, alleviation, or cure of cancer.

(Added by Stats. 1959, Ch. 789.)

1708. This chapter shall not apply to the use of any drug, medicine, compound, or device intended solely for legitimate and bona fide investigational purposes by experts qualified by scientific training and experience to investigate the safety and therapeutic value thereof unless the department shall find that such drug, medicine, compound, or device is being used in diagnosis or treatment for compensation and profit.

(Added by Stats. 1959, Ch. 789.)

1709. The failure of any individual, person, firm, association, or other entity representing himself, or itself, as engaged in the diagnosis, treatment, alleviation, or cure of cancer to comply with any of the provisions of this chapter, or with any order of the department validly issued under this chapter, is a misdemeanor.

The provisions of this chapter shall not apply to any person who depends exclusively upon prayer for healing in accordance with the teachings of a bona fide religious sect, denomination, or organization, nor practitioner thereof.

(Added by Stats. 1959, Ch. 789.)

1710. The investigation or testing of any product shall not be deemed to imply or indicate any endorsement of the qualifications or value of any such product. No person shall make any representation that investigation or testing hereunder constitutes any approval or endorsement of his, or its, activities by the Cancer Advisory Council or the department. The investigation or testing of any product shall not be deemed to imply or indicate that such product is useless or harmful and during testing no person shall make any representation, except to the department or Cancer Advisory Council, that the product under test is discredited or that it has been found useless or harmful.

(Added by Stats. 1959, Ch. 789.)

1711. Following an investigation or testing of the content or composition of any drug, medicine, compound, or device used by any individual, person, firm, association, or other entity in the diagnosis, treatment, alleviation, or cure of cancer, and after hearing as provided in Section 1704, the department, upon recommendation of the Cancer Advisory Council, may direct that any such individual, person, firm, association, or other entity shall cease and desist any further prescribing, recommending, or use of any such drug, medicine, compound, or device, or any substantially similar drug, medicine, compound, or device, in the diagnosis or treatment of cancer.

In the investigation or testing required by this chapter to determine the value or lack thereof of any drug, medicine, compound or device in the diagnosis, treatment, or cure of cancer, the department shall, as it deems necessary or advisable, utilize the facilities and findings of its own labora-

tories or other appropriate laboratories, clinics, hospitals, and nonprofit cancer research institutes recognized by the National Cancer Institute, within this State or the facilities and findings of the Federal Government, including the National Cancer Institute. Upon a recommendation by the Cancer Advisory Council, the department shall arrange, by contract, for investigation by and submission to it of findings, conclusions, or opinions of trained scientists in the appropriate departments of universities, medical schools, clinics, hospitals, and nonprofit cancer research institutes recognized by the National Cancer Institute, and the submission to it of findings, conclusions, or opinions of other qualified scientists. Prior to the issuance of a cease and desist order under this section, the Cancer Advisory Council, by the affirmative vote of at least 11 of its members, at least one of whom shall not be a physician and surgeon, shall make a written finding of fact based on such investigation that the drug, medicine, compound, or device so investigated has been found to be either definitely harmful or of no value in the diagnosis, treatment, alleviation, or cure of cancer and the department must be satisfied beyond a reasonable doubt that the written findings of the fact are true.

(Added by Stats. 1959, Ch. 789.)

1712. If an individual, person, firm, association, or other entity, after service upon him or it, of a cease and desist order issued by the department under Section 1711, persists in prescribing, recommending, or using the drug, medicine, compound, or device described in said cease and desist order, or a substantially similar drug, medicine, compound, or device, the superior court in any county, on application of the department, and when satisfied by a preponderance of the evidence that the written findings of fact required of the Cancer Advisory Council by Section 1711 are true, may issue an order to show cause why there should not be issued an injunction or other appropriate order restraining such individual, person, firm, association, or other entity from prescribing, recommending, or using such drug, medicine, compound, or device, or any substantially similar drug, medicine, compound, or device. After a hearing on such order to show cause, an injunction or other appropriate restraining order may be issued.

Proceedings under this section shall be governed by Chapter 3 (commencing at Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, excepting that no undertaking shall be required in any action commenced by the department under this section.

(Added by Stats. 1959, Ch. 789.)

1713. Any person against whom an injunction has been issued, under Section 1712, may not undertake to use in the diagnosis, treatment, or cure of cancer any new, experimental, untested, or secret drug, medicine, compound, or device without first submitting it to the department for investigation and testing.

(Added by Stats. 1959, Ch. 789.)

1714. It is a misdemeanor for any person willfully and falsely to represent a device, substance or treatment as effective to arrest or cure cancer. Nothing in this section shall abridge the existent rights of the press.

(Added by Stats. 1959, Ch. 789.)

1715. A third violation, and subsequent violations, of this chapter is a felony.

(Added by Stats. 1959, Ch. 789.)

1716. The director shall investigate possible violations of this chapter and report violations to the appropriate enforcement authority.

(Added by Stats. 1959, Ch. 789.)

1717. County health officers, district attorneys and the Attorney General shall co-operate with the director in the enforcement of this chapter.

(Added by Stats. 1959, Ch. 789.)

1718. The department, upon recommendation of the Cancer Advisory Council, may from time to time publish reports based on its investigation or testing of any drug, medicine, compound, or device prescribed, recommended, or used by any individual, person, firm, association, or other entity, and when, in the opinion of a majority of the members of the Cancer Advisory Council, the use of any drug, medicine, compound, or device in the diagnosis, treatment or cure of cancer constitutes an imminent danger to health or a gross deception of the public, the department may take appropriate steps to publicize the same.

(Added by Stats. 1959, Ch. 789.)

1719. The department shall submit to the Governor, for submission to the Legislature in January of each year, a report of its activities under this chapter during the preceding 12 months.

(Added by Stats. 1959, Ch. 789.)

1720. All hearings authorized by this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code.

(Added by Stats. 1959, Ch. 789.)

1721. The provisions of this chapter shall expire on December 31, 1965.

(Added by Stats. 1959, Ch. 789.)

DIVISION 3. PEST ABATEMENT

(Heading amended by Stats. 1957, Ch. 205)

CHAPTER 1. (Repealed by Stats. 1957, Ch. 205. See note following Section 112)

1700. (Repealed by Stats. 1957, Ch. 205. See note following Section 112. Section of same number added to Division 2, Chapter 7, above.)

1701. (Repealed by Stats. 1957, Ch. 205. See note following Section 112. Section of same number added to Division 2, Chapter 7, above.)

1702. (Repealed by Stats. 1957, Ch. 205. See note following Section 112. Section of same number added to Division 2, Chapter 7, above.)

1703. (Repealed by Stats. 1957, Ch. 205. See note following Section 112. Section of same number added to Division 2, Chapter 7, above.)

CHAPTER 2. RODENTS

1800. "Place," as used in this chapter, includes land, place, building, structure, wharf, pier, dock, vessel, or water craft.

1801. "Rodents," as used in this chapter, means rats, mice, gophers, and ground squirrels.

1802. "Possess," as used in this chapter, includes control, own, lease, occupy, possess, or have charge of or dominion over.

1803. Every person possessing any place that is infested with rodents, as soon as their presence comes to his knowledge, shall at once proceed and continue in good faith to endeavor to exterminate and destroy the rodents, by poisoning, trapping, and other appropriate means.

1804. The State department, the board of supervisors of each county, local health officers, or inspectors appointed by any of them, as provided in this chapter, may inspect all places for the purpose of ascertaining whether they are infested with rodents and whether the requirements of this chapter as to their extermination and destruction are being complied with. However, no building occupied as a dwelling, hotel, or rooming house, shall be entered for inspection purposes except between the hours of 9 a.m., and 5 o'clock p.m.

1805. The board of supervisors of each county and the governing body of each city, whenever it may by resolution determine that it is necessary for the preservation of the public health or to prevent the spread of contagious or infectious disease, communicable to mankind, or when it determines that it is necessary to prevent great and irreparable damage to crops or other property, may appropriate money for the purchase of, and may purchase, poison, traps, and other materials for the purpose of exterminating and destroying rodents in that county or city, and may employ and pay inspectors, who shall prosecute the work of extermination and destruction on both private and public property in the county or city.

1806. Whenever any person possessing any place that is infested with rodents, fails, neglects or refuses to proceed and to continue to endeavor to exterminate and destroy the rodents, as required in this chapter, the State department and its inspectors, the county board of supervisors and its inspectors, and the local health officer, shall at once cause the rodents to be exterminated and destroyed.

1807. The expense of exterminating and destroying the rodents is a charge against the county or city in which the work is done, and the board of supervisors or other governing body shall allow and pay it.

1808. The governing body shall record in the office of the county recorder a notice of payment, claiming a lien on the property for the amount of the payment.

(Amended by Stats. 1959, Ch. 504.)

1809. All sums so paid by the county or city are a lien on the property on which the work was done, and may be recovered in an action against the property.

1810. The action to foreclose the lien shall be brought within 90 days after the payment, and shall be prosecuted by the district or city attorney in the name of the county, or city, as the case may be, and for its benefit.

1811. When the property is sold, enough of the proceeds shall be paid into the treasury of the county or city to satisfy the lien and the costs, and the surplus, if any, shall be paid to the owner of the property, if known, and if not known shall be paid into the court for the use of the owner when ascertained.

1812. If it appears from the complaint in the action that the property on which the lien is to be foreclosed is likely to be removed from the jurisdiction of the court, the court may appoint a receiver to take possession of the property and hold it while the action is pending or until the defendant executes and files a bond, with sufficient sureties, conditioned for the payment of any judgment that may be recovered against him in the action and of all costs.

1813. A violation of the provisions of this chapter is a misdemeanor.

CHAPTER 3. RABIES

Article 1. Rabies Control

1900. "Rabies," as used in this article, includes rabies, and any other animal disease dangerous to human beings that may be declared by the State department as coming under the provisions of this article.

1901. "Quarantine," as used in this article, means the strict confinement, upon the private premises of the owner, under restraint by leash, closed cage, or paddock, of all animals specified in the order of the State department.

1901.2. "Rabies area" shall mean any area not less than a county as determined by the director within a region where the existence of rabies constitutes a public health hazard, as found and declared by the director, after consultation with, and the approval of, the regional advisory committee. A region shall be composed of two or more counties as determined by the director. For each such region there shall be an advisory committee. The regional advisory committee shall consist of

nine persons which shall include a health officer, a representative of the medical profession, a veterinarian, the mayor of the city having the largest population in the area, the chairman of the board of supervisors of the county having the largest population in the area, and such representatives of the livestock industry, civic, dog owning, and humane groups as may be appointed by the director to serve without compensation, but shall be reimbursed for actual and necessary expenses incurred during service on the committee. The status of an area as a rabies area shall terminate at the end of one year from the date of the declaration unless, not earlier than two months prior to the end of such year, it is again declared to be a rabies area in the manner provided in this section. If however, the director at any time finds and declares that an area has ceased to be a rabies area its status as such shall terminate upon the date of such declaration.

(Added by Stats. 1957, Ch. 1781.)

1902. Whenever any case of rabies is reported as existing in any county or city, the State department shall make, or cause to be made, a preliminary investigation as to whether the disease exists, and as to the probable area of the State in which the population or animals are endangered.

1903. If upon the investigation the State department finds that rabies exists, a quarantine shall be declared against all such animals as are designated in the quarantine order, and living within the area specified in the order.

1904. Following the order of quarantine the State department shall make or cause to be made a thorough investigation as to the extent of the disease, the probable number of persons and animals exposed, and the area found to be involved.

1905. The State department may substitute for the quarantine order such regulations as may be deemed adequate for the control of the disease in each area.

1906. All peace officers and boards of health shall carry out the provisions of this article.

1907. During the period for which any quarantine order is in force any officer may kill or in his discretion capture and hold for further action by the State department any animal in a quarantine area, found on public highways, lands, and streets, or not held in restraint on private premises as specified in this article.

1908. Any proper official within the meaning of this article may examine and enter upon all private premises for the enforcement of this article.

1909. Every person who possesses or holds any animal in violation of the provisions of this article is guilty of a misdemeanor.

1910. For the purpose of providing funds to pay expenses incurred in connection with the eradication of rabies, the rabies treatment and eradication fund is continued in existence in each county or city in this State.

1911. All money collected for dog license taxes shall be deposited to the credit of this fund with the treasurer of the county or city; but funds now collected from any dog tax may continue to be collected and used for other purposes specified by local ordinances.

1912. Upon the determination by the State department that rabies exists in any county or city, a special dog license tax shall immediately become effective, unless a dog tax is already in force the funds from which are available for the payment of expenditures in accordance with the provisions of this article.

1913. This tax shall be levied as follows: An annual tax of one dollar and fifty cents (\$1.50) for each male, two dollars and fifty cents (\$2.50) for each female, and one dollar and fifty cents (\$1.50) for each neuter dog. It shall be collected by the proper authority at the same time and in the same manner as other taxes are collected; except that at the first collection such proportion of the annual tax as corresponds to the number of months the tax has been in operation plus one year advance payment shall be collected.

1914. After this dog license tax has been established in a county or city, it shall be continued in force until an order has been issued by the State department declaring that county, or such portion of that county as may be deemed advisable, to be free from rabies or further danger of its spread.

1915. One half of all fines collected by any court or judge for violations of the provisions of this article shall be placed to the credit of the rabies treatment and eradication fund of the county or city in which the violation occurred.

1916. Whenever it becomes necessary in the judgment of the State department, to enforce the provisions of this article in any county or city, the department may institute special measures of control to supplement the efforts of the local authorities in any county or city whose duties are specified in this article.

1917. All expenditures incurred in enforcing the special measures shall be proper charges against the special fund referred to in this article, and shall be paid as they accrue by the proper authorities of each county or city in which they have been incurred; but all expenditures that may be incurred after the issuance of the order establishing the tax and before the first collection of the tax, shall be paid as they accrue from the general fund of the county or city.

1918. All expenditures in excess of the balance of money in this fund shall likewise be paid as they accrue from the general fund. All money thus expended from the general fund shall be repaid from the special fund when the collections from the tax have provided the money.

1919. Notwithstanding any other provision of this article a guide dog serving a blind master shall not be quarantined, in

the absence of evidence that he has been exposed to rabies, unless his master fails:

(a) To keep him safely confined to the premises of the master.

(b) To keep him available for examination at all reasonable times.

(Added by Stats. 1951, Ch. 1363.)

1920. In rabies areas:

(a) Every dog owner, after his dog attains the age of four months, shall annually secure a license for said dog. License fees shall be fixed by the responsible city, city and county, or county, at an amount not to exceed limitations otherwise prescribed by state law or city, city or county, or county charter.

(b) Every dog owner, after his dog attains the age of four months, shall at such intervals of time not more often than once a year as may be prescribed by the department procure its vaccination by a licensed veterinarian with a canine anti-rabies vaccine approved by and in a manner prescribed by the state department.

(c) All dogs under four months of age shall be confined to the premises of, or kept under physical restraint by, the owner, keeper or harbinger. Nothing in this chapter shall be construed to prevent the sale or transportation of a puppy four months old or younger.

(d) Any dog in violation of the provisions of this article, and such additional provisions as may be prescribed by any local governing body, shall be impounded as provided by local ordinance.

(e) It shall be the duty of the governing body of each city, city and county, or county to maintain or provide for the maintenance of a pound system and a rabies control program for the purpose of carrying out and enforcing the provisions of this section.

(f) It shall be the responsibility of each city, county, or city and county to provide dog vaccination clinics, or to arrange for dog vaccination at clinics operated by veterinary groups or associations, held at strategic locations throughout each city, city and county, or county. The vaccination and licensing procedures may be combined as a single operation in such clinics. No charge in excess of actual cost shall be made for any one vaccination at such clinic. No owner of a dog shall be required to have his dog vaccinated at a public clinic if the owner elects to have the dog vaccinated by a licensed veterinarian of the owner's choice.

All public clinics shall be required to operate under anti-septic immunization conditions comparable to those used in the vaccination of human beings.

(Added by Stats. 1957, Ch. 1781.)

1921. Nothing in this chapter is intended or shall be construed to limit the power of any city, city and county, or county in its authority in the exercise of its police power or in the exercise of its power under any other provisions of law

to enact more stringent requirements, to regulate and control dogs within the boundaries of its jurisdiction.

(Added by Stats. 1957, Ch. 1781.)

Article 2. Anti-rabic Virus

2000. The State department shall purchase or prepare, and distribute free of cost, under such regulations as may be necessary, anti-rabic virus to be used in the treatment of persons exposed to rabies when they declare that it would be a hardship for them to pay for anti-rabic treatment.

CHAPTER 4. PET BIRDS

(Chapter 4 repealed by Stats. 1947, Ch. 598; added by Stats. 1955, Ch. 1074)

2100. No person, association, organization, partnership, or corporation shall raise and sell, offer for sale, trade, or barter any shell parakeet or budgerigar unless such bird is banded with traceable, seamless, closed bands of standard size, color, and material as specified by the department after consulting with the advisory committee.

(Repealed by Stats. 1947, Ch. 598; added by Stats. 1955, Ch. 1074; amended by Stats. 1959, Ch. 2002.)

2101. No band manufacturer, bird club, association, corporation, society, or person shall issue any bands prescribed under Section 2100 without a permit from the department. A permit shall be granted by the department upon compliance with such reasonable and necessary regulations as prescribed by the board.

(Repealed by Stats. 1947, Ch. 598; added by Stats. 1955, Ch. 1074.)

2102. No manufacturer of bands prescribed under Section 2100 shall sell or market such bands in the State without giving such bond as required by the regulations of the board and without obtaining a permit from the department.

(Repealed by Stats. 1947, Ch. 598; added by Stats. 1955, Ch. 1074.)

2103. Every band issuing agency shall maintain such records and make such reports as required by reasonable and necessary regulations of the board. The board may by regulation prescribe the keeping of such sales records as it deems necessary to effectuate the purposes of this chapter.

(Repealed by Stats. 1947, Ch. 598; added by Stats. 1955, Ch. 1074.)

2104. Whenever the director finds that psittacosis, or any other diseases transmissible to man from pet birds, have become a public health hazard to the extent that control measures are necessary or desirable, the board shall adopt such additional regulations as it deems necessary for the public health, which regulations shall apply to all pet birds whether or not of a species otherwise regulated under this chapter. Such regulations shall be adopted pursuant to Section 2105 and in

accordance with Chapter 4 of Part 1, Division 3, Title 2 of the Government Code.

(Added by Stats. 1939, Ch. 104; amended by Stats. 1945, Ch. 1211; repealed by Stats. 1947, Ch. 598; added by Stats. 1955, Ch. 1074.)

2105. The director, with the advice of the board, shall appoint an advisory committee consisting of nine members representing the pet bird industry from recognized pet bird organizations, which committee shall advise and consult with the department in carrying out the administration of this chapter.

(Repealed by Stats. 1947, Ch. 598; added by Stats. 1955, Ch. 1074.)

2106. All manufacturers selling or marketing bands prescribed in Section 2100 shall collect a fee for the department on each such band sold. The board shall provide by regulation the amount of the fee to be collected, the total amount of such fees to yield a sum approximating the estimated cost of the administration of the parakeet banding program. All fees collected by manufacturers under this chapter shall be paid to the department quarterly on or before the last day of the month next succeeding each quarterly period. Such fees shall be paid by the department into the General Fund in the State Treasury.

(Repealed by Stats. 1947, Ch. 598; added by Stats. 1955, Ch. 1074; amended by Stats. 1959, Ch. 2002, and by Stats. 1963, Ch. 1445.)

2107. The violation of any of the provisions of this chapter shall constitute a misdemeanor.

(Added by Stats. 1955, Ch. 1074.)

2108. The provisions of this chapter shall apply to all shell parakeets or budgerigars.

(Added by Stats. 1955, Ch. 1074; repealed and added by Stats. 1959, Ch. 2002.)

CHAPTER 5. MOSQUITO ABATEMENT DISTRICTS

Article 1. General Provisions

2200. "District," as used in this chapter, refers to any mosquito abatement district formed pursuant to this chapter or pursuant to any law which it supersedes.

2201. "Board," or "district board," as used in this chapter, refers to the board of trustees of a district.

2202. "City," as used in this chapter, includes a city and county.

2203. For the purposes of this chapter all unincorporated territory in a proposed district and in one county only shall be regarded as an entirety and as a "unit," and each city in a proposed district shall likewise be regarded as a unit.

2204. Every notice required by this chapter to be published shall be published in a daily, weekly, or semiweekly newspaper; but, if there is no daily, weekly, or semiweekly

newspaper published within the district or within a subdivision of the district or other territory in which it is required to be published, the notice shall be posted for the length of time required for its publication in three public places of the district, subdivision, or other territory, as the case may be.

2205. A mosquito abatement district may be organized and managed as provided in this chapter, and is authorized to exercise the powers expressly granted or necessarily implied by this chapter.

(Amended by Stats. 1949, Ch. 825.)

2206. No district formed or proposed to be formed under this chapter shall be subject to any of the provisions of the District Investigation Law of 1933 (commencing with Section 58500 of the Government Code).

(Added by Stats. 1946 (1st Ex. Sess.), Ch. 28; amended by Stats. 1947, Ch. 1020, by Stats. 1949, Ch. 825, by Stats. 1951, Ch. 524, by Stats. 1953, Ch. 432, by Stats. 1955, Ch. 878, by Stats. 1957, Ch. 1163, by Stats. 1959, Ch. 478, by Stats. 1961, Ch. 437, and by Stats. 1963, Ch. 180.)

Article 2. Formation

2210. Any territory in one or more counties, having a population of not less than 100 inhabitants, may be organized as a mosquito abatement district.

2211. A petition to form a district may consist of any number of separate instruments. It shall be presented at a regular meeting of the board of supervisors of the county in which the greater portion of the proposed district is located. It shall be signed by registered voters in each unit of the proposed district, equal in number to at least 10 per cent of the number of votes cast in each unit respectively for the office of Governor at the last gubernatorial election prior to the time the petition is presented.

Before a city can be included in the proposed district, its governing body shall request the inclusion of the city by resolution, duly authenticated.

2212. The petition shall set forth and describe the boundaries of the proposed district, and shall request that it be organized as a mosquito abatement district. The text of the petition shall be published, for at least two weeks before the time it is to be presented, in the county where the petition is presented, and in each city a portion of which is included in the proposed district.

The text of the petition published shall have attached a notice stating the time of the meeting of the board of supervisors at which it will be presented.

2213. If any portion of the proposed district lies in another county, the petition and notice shall be likewise published in that county.

2214. When contained upon more than one instrument, only one copy of the petition need be published. No more

than five of the names attached to the petition need appear in the publication of the petition and notice, but the number of signers shall be stated.

2215. With the publication of the petition there shall be published a notice of the time of the meeting of the board of supervisors when the petition will be considered, stating that all persons interested may appear and be heard.

2215.5. Such districts may also be organized upon the adoption by the board of supervisors of a resolution of intention so to do, in lieu of the procedure hereinbefore provided for the presentation of petitions. In the event the board of supervisors adopts a resolution of intention, such resolution shall describe the boundaries of the proposed district and shall set a time and place at which the board will consider the organization of the district, and shall state that all persons interested may appear and be heard. Such resolution of intention shall be published in the same manner and for the same length of time as a petition.

(Added by Stats. 1945, Ch. 409.)

2216. At the time stated in the notice of the filing of the petition or the time mentioned in the resolution of intention the board of supervisors shall consider the organization of the district and hear those appearing and all protests and objections to it. It may adjourn the hearing from time to time, not exceeding two months in all.

(Amended by Stats. 1945, Ch. 409.)

2217. No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures thereto, shall vitiate any proceedings, if the petition has a sufficient number of qualified signatures.

2218. On the final hearing the board of supervisors shall make such changes in the proposed boundaries as are advisable, and shall define and establish the boundaries.

2219. If the board of supervisors deems it proper to include any territory not proposed for inclusion within the proposed boundaries, it shall first cause notice of its intention to do so to be mailed to each owner of land in the territory whose name appears as owner on the last completed assessment roll of the county in which the territory lies, addressed to the owner at his address given on the assessment roll, or if no address is given, to his last known address; or if it is not known, at the county seat of the county in which his land lies. The notice shall describe the territory, and shall fix a time, not less than two weeks from the date of mailing, when all persons interested may appear before the board of supervisors and be heard.

2220. The boundaries of a district lying in a city shall not be altered unless the governing board of the city, by resolution, consents to the alteration.

2221. Upon the hearing of the petition the board of supervisors shall determine whether or not the public necessity or welfare of the proposed territory and of its inhabitants

requires the formation of the district, and shall also determine whether or not the petition complies with the provisions of this chapter, and for that purpose shall hear all competent and relevant testimony offered.

2222. A finding of the board of supervisors in favor of the genuineness and sufficiency of the petition and notice is final and conclusive against all persons except the State in a suit commenced by the Attorney General.

2223. If, from the testimony given before the board of supervisors, it appears to that board that the public necessity or welfare requires the formation of the district, it shall, by an order entered on its minutes, declare that to be its finding, and shall further declare and order that the territory within the boundaries so fixed and determined be organized as a district, under an appropriate name to be selected by the board of supervisors. The name shall contain the words "mosquito abatement district."

2224. The county clerk shall immediately file for record in the office of the county recorder of each county in which any portion of the land embraced in the district is situated, and shall also forward to each board of supervisors of each of the other counties, if any, in which any portion of the district is situated, and also shall file with the Secretary of State, a certified copy of the order of the board of supervisors. From and after the date of the filing of the certified copy with the Secretary of State, the district named therein is organized as a district, with all the rights, privileges, and powers set forth in this chapter, or necessarily incident thereto.

2225. If at any time after the board of supervisors has entered its order for organization good cause appears therefor, the district board may, by a two-thirds vote of its members, adopt a resolution reciting the facts, declaring the advisability for a change of the district's name, and setting forth therein a new name for the district. A certified copy of such resolution shall be transmitted to the board of supervisors of the county in which the district, or the greater portion of the land of the district, is situated.

(Added by Stats. 1947, Ch. 891.)

2226. Upon receipt of the certified copy of the resolution the board of supervisors shall:

(a) Enter an order changing the district's name to the name set forth in the resolution.

(b) Transmit a certified copy of the order to the board of supervisors of any other county in which any portion of the district is situated.

(c) Record a certified copy of the order in the office of the county recorder of each of the counties in which any portion of the district is situated.

(d) File a certified copy of the order in the office of the Secretary of State.

(e) File a certified copy of the order in the office of the State Board of Equalization.

From and after the date of the filing of the certified copy with the Secretary of State the new name shall be the official name of the district.

(Added by Stats. 1947, Ch. 891.)

Article 3. Officers

2240. Within 30 days after the filing with the Secretary of State of the certified copy of the order of formation, a governing board of trustees for the district shall be appointed. The district board shall be appointed as follows:

(a) If the district is situated in one county only and consists wholly of unincorporated territory, five members shall be appointed by the board of supervisors of the county.

(b) If the district is situated entirely in one county and includes both incorporated and unincorporated territory one member shall be appointed from the district at large by the board of supervisors of the county, and one member from each city, the whole or part of which is situated in the district, by the governing body of the city; but if the district board created consists of less than five members, the board of supervisors shall appoint from the district at large enough additional members to make a board of five members.

(c) If the district is situated in two or more counties and is comprised wholly of unincorporated territory, one member shall be appointed from each county or portion of a county situated in the district by the board of supervisors; but if the district board created consists of less than five members, the board of supervisors of the county in which the greater portion of the district is situated shall appoint from the district at large enough additional members to make a board of five members.

(d) If the district is situated in two or more counties and consists of both incorporated and unincorporated territory, one member shall be appointed by the board of supervisors of each of the counties from that portion of the district lying within its jurisdiction; and one member from each city, a portion of which is situated in the district by the governing body of the city; but if the board created consists of less than five members, the board of supervisors in which the greater portion of the district is situated shall appoint from the district at large enough additional members to make a board of five members.

(e) At any time after the appointment of the initial district board of trustees the board of supervisors of any county having territory in whole or in part in a district, may at the written request of the existing district board of trustees, increase or decrease the number of members of the board of trustees representing unincorporated territory in the district; such written request of the district board of trustees shall specify the number of members and the region or regions in the unincorporated territory for which an increase or decrease is requested; provided, however, the district board of trustees shall, under no circumstances, consist of less than five members, nor shall the number

of members representing unincorporated territory in the entire district exceed five members.

(Amended by Stats. 1947, Ch. 977.)

2241. The district board shall be called "The board of trustees of ----- Mosquito Abatement District."

2242. Each member of the board appointed by the governing body of a city shall be an elector of the city from which he is appointed, and a resident of that portion of the city which is in the district.

2243. Each member appointed from a county or portion of a county shall be an elector of the county and a resident of that portion of the county which is in the district.

2244. Each member appointed at large shall be an elector of the district.

2245. The members of the first board in any district shall classify themselves by lot at their first meeting so that:

(a) If the total membership is an even number, the terms of one-half the members will expire at the end of one year, and the terms of the remainder at the end of two years, from the second day of the calendar year next succeeding their appointment.

(b) If the total membership is an odd number, the terms of a bare majority of the members will expire at the end of one year, and the terms of the remainder at the end of two years, from the second day of the calendar year next succeeding their appointment.

The term of each subsequent member is two years from and after the expiration of the term of his predecessor.

2246. In event of the resignation, death, or disability of any member, his successor shall be appointed by the governing body which appointed him.

2247. The members of the first district board shall meet on the first Monday subsequent to 30 days after the filing with the Secretary of State of the certificate of incorporation of the district. They shall organize by the election of one of their members as president and one as secretary.

2248. The members of the district board shall serve without compensation; but the necessary expenses of each member for actual traveling in connection with meetings or business of the board shall be allowed and paid. In lieu of expenses the district board may by resolution provide for the allowance and payment to the members of the board of a sum not exceeding twenty-five dollars (\$25) per month per member for expenses incurred in attending business meetings of the board.

(Amended by Stats. 1941, Ch. 314, by Stats. 1951, Ch. 1271, and by Stats. 1959, Ch. 480.)

2249. The secretary shall receive such compensation as shall be fixed by the district board.

2250. The district board shall provide for the time and place of holding its regular meetings, and the manner of calling them, and shall establish rules for its proceedings.

2251. Special meetings may be called by three members, notice of which shall be given to each member at least three hours before the meeting.

2252. All of its sessions, whether regular or special, shall be open to the public.

2253. A majority of the members shall constitute a quorum for the transaction of business.

Article 4. District Powers

2270. The district board may:

(a) Take all necessary or proper steps for the extermination of mosquitoes, flies, or other insects either in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, or other insects from such territory migrate into the district.

(b) Subject to the paramount control of the county or city in which they exist, abate as nuisances all stagnant pools of water and other breeding places for mosquitoes, flies, or other insects either in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, or other insects from such territory migrate into the district.

(c) Purchase such supplies and materials, employ such personnel and contract for such services as may be necessary or proper in furtherance of the objects of this chapter.

(d) If necessary or proper, in the furtherance of the objects of this chapter, build, construct, repair, and maintain, necessary dikes, levees, cuts, canals, or ditches upon any land, and acquire by purchase, condemnation, or by other lawful means, in the name of the district, any lands, rights of way, easements, property, or material necessary for any of those purposes.

(e) Make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the use or taking of property for dikes, levees, cuts, canals, or ditches.

(f) Enter upon without hindrance any lands, within or without the district, for the purpose of inspection to ascertain whether breeding places of mosquitoes, flies, or other insects exist upon such lands; or to abate public nuisances in accordance with this article; or to ascertain if notices to abate the breeding of mosquitoes, flies, or other insects upon such lands have been complied with; or to treat with oil or other larvicidal material any breeding places of mosquitoes, flies or other insects upon such lands.

(g) Sell or lease any land, rights of way, easements, property or material acquired by the district.

Every sale of real property pursuant to this subdivision shall be made to the highest bidder at public auction after five days' notice given pursuant to Section 2204 of this code, and

at such place within the district as the district board shall specify.

(h) Borrow money in any fiscal year and repay it in the same or in the next ensuing fiscal year. The amount borrowed in any fiscal year is not to exceed fifteen cents (\$.15) in each one hundred dollars (\$100) of assessed valuation of property in the district.

(i) Issue warrants payable at the time stated therein to evidence the obligation to repay money borrowed or any other obligation incurred by the district, warrants so issued to draw interest at a rate fixed by the board not to exceed 5 percent per year, payable annually or semiannually as the board may prescribe.

(j) Provide a civil service system for any or all employees of the district.

(k) Do any and all things necessary or incident to the powers granted by, and to carry out the objects specified in, this chapter.

(Amended by Stats. 1941, Ch. 314, by Stats. 1945, Ch. 409, by Stats. 1947, Ch. 40, and by Stats. 1957, Ch. 792.)

2271. Any breeding place for mosquitoes which exists by reason of any use made of the land on which it is found or of any artificial change in its natural condition, is a public nuisance.

2272. The nuisance may be abated in any action or proceeding, or by any remedy, provided by law.

2273. Any remedy provided in this chapter for the abatement of a nuisance is in addition to any other remedy provided by law.

2274. Whenever a nuisance specified in this chapter exists upon any property either in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, or other insects from such territory migrate into the district, the district board may in writing notify the record owner, or person in charge or in possession of the property, of the existence of the nuisance.

(Amended by Stats. 1941, Ch. 314.)

2275. The notice shall direct that the owner shall, within a specified time, abate the nuisance by destroying the larvae or pupae that are present.

2276. The notice shall further direct that the owner shall, within a specified time, perform any work that may be necessary to prevent the recurrence of breeding in the places specified in the notice.

2277. The notice shall be served upon the owner of record, or person having charge or possession, of the property upon which the nuisance exists, or upon the agent of either.

2278. The notice may be served by any person authorized by the district board in the same manner as a summons in a civil action.

2279. If the property belongs to a person who is not a resident of the district, and is not in charge or possession of any person, and there is no tenant or agent of the owner upon whom service can be made, who can after diligent search be found; or if the owner of the property can not after diligent search be found, the notice may be served by posting a copy in a conspicuous place upon the property for a period of 10 days, and by mailing a copy to the owner addressed to his address as given on the last completed assessment roll of the county in which the property is situated, or, in the absence of an address on the roll, to his last known address.

2280. Before complying with the requirements of the notice the owner may appear at a hearing before the board at a time and place fixed by the board and stated in the notice.

2281. At the hearing the district board shall redetermine whether or not the owner shall abate the nuisance and prevent its recurrence, and shall specify a time within which the work shall be completed.

2282. In the event that the nuisance is not abated within the time specified in the notice or at the hearing, the district board shall abate the nuisance by destroying the larvae or pupae and by taking appropriate measures to prevent the recurrence of further breeding.

2283. The cost of abatement of a nuisance shall be repaid to the district by the owner of the property. The owner shall not, however, be required to pay such cost unless, either prior or subsequent to the abatement by the district, a hearing is held by the district board at which the property owner is afforded an opportunity to be heard and it is determined by the district board that a nuisance actually exists, or existed prior to abatement by the district.

(Amended by Stats. 1961, Ch. 812.)

2284. All sums expended by the district in abating a nuisance or preventing its recurrence, when notice of the lien is filed and recorded as provided in Section 2285, shall become a lien upon the property on which the nuisance is abated, or its recurrence prevented.

(Amended by Stats. 1959, Ch. 1502.)

2285. Notice of the lien shall be recorded by the district board in the office of the county recorder of the county in which the property is situated within one year after the first item of expenditure by the board or within 90 days after the completion of the work, whichever first occurs.

(Amended by Stats. 1959, Ch. 79 and Ch. 504.)

2286. An action to foreclose the lien shall be commenced within six months after the filing and recording of the notice of lien.

2287. The action shall be brought by the district board in the name of the district.

2288. When the property is sold, enough of the proceeds to satisfy the lien and the costs of foreclosure shall be paid to the district; and the surplus, if any, shall be paid to the

owner of the property if known, and if not known, shall be paid into the court in which the lien was foreclosed for the use of the owner when ascertained.

2289. The lien provisions of this chapter do not apply to the property of any county, city, district, or other public corporation. However, the governing body of the county, city, district, or other public corporation shall repay to any mosquito abatement district the amount expended by the district upon any of its property under this chapter upon presentation by the district board of a verified claim or bill.

2290. Any mosquito abatement district organized on or after August 14, 1931, and any such district organized prior to that date that elects to do so by a vote taken at an election called and conducted as provided for an election for a tax to raise additional funds for the district, may provide for the destruction and extermination of rats in the district: and may include suitable sums for that purpose in its expense estimates, which shall be raised in the manner provided by law for the raising of other sums for the district.

2291. The district board shall supervise and manage the destruction and extermination of rats in the district by the officers, agents, and employees of the district.

2292. Any person who obstructs, hinders, or interferes with the entry upon any land mentioned in this article of any officer or employee of the district in the performance of his duty, and any person who obstructs, interferes with, molests, or damages any work performed by the district, is guilty of a misdemeanor.

(Added by Stats. 1941, Ch. 314.)

Article 5. Finances and Taxation

2300. The district board of each mosquito abatement district shall, at least 15 days before the first day of the month in which the board or boards of supervisors of the county or counties in which the district is situated is required by law to levy the amount of taxes required for county purposes, furnish the board of supervisors and county auditor of the county an estimate in writing of the amount of money necessary for the district's purposes during the next ensuing fiscal year. The amount of money necessary for the district's purposes may include a general reserve for the purpose of defraying district expenses between the beginning of a fiscal year and the time of distribution of tax receipts in a fiscal year. Such general reserve shall not exceed 60 percent of the estimated expenditures for a fiscal year.

The amount of money necessary for the district purposes may also include an unappropriated reserve for the purpose of defraying unusual and unanticipated expenses.

Expenditures from such unappropriated reserve may be made only upon an affirmative vote of four-fifths of the mem-

bers of the district board. Such emergency fund is not to exceed 25 percent of the estimated expenditures for a fiscal year.

(Amended by Stats. 1947, Ch. 1020, and by Stats. 1957, Ch 2266.)

2301. If the district is in more than one county the total estimate shall be prorated for each county by the district board in proportion to the value of the taxable property of the district in each county. The value of the taxable property shall be determined from the last equalized assessment rolls of the counties. When the proration of the estimate has been made, the district board shall furnish the supervisors and auditors of each county a written statement of the apportionment for that county.

2302. The board of supervisors of each county in which any part of a district is situated shall, at the time of levying county taxes, levy a tax to be known as the "----- Mosquito Abatement District tax," sufficient to raise the amount reported to it by the district board, upon property of the district in the county. The board of supervisors shall, unless the alternative procedure of distributing taxes which is prescribed by Chapter 3 (commencing with Section 4701), Part 8, Division 1 of the Revenue and Taxation Code is in effect in such county, determine the rate of the tax by deducting 15 percent for anticipated delinquencies from the total assessed value of the taxable property of the district within the county as it appears on the assessment roll of the county, and then dividing the sum reported to it by the district board by the remainder of the total assessed value. In any county in which the alternative procedure of distributing taxes is in effect, the board of supervisors shall determine the rate of the tax by dividing the sum reported to it by the district board by the total assessed value of the taxable property of the district within the county as it appears on the assessment roll of the county.

(Amended by Stats. 1st Ex. Sess. 1946, Ch. 43, and by Stats. 1963, Ch. 943.)

2302.1. If the rate thus produced is fifteen cents (\$0.15) or less on each one hundred dollars (\$100) of taxable property of the district in the county the county board of supervisors shall levy the tax at the rate thus produced. If the rate thus produced exceeds fifteen cents (\$0.15), the board of supervisors may require of the district such information as will enable it to determine the necessity of the expenditures contemplated by the estimate, and, in its discretion, and after a finding of necessity therefor, levy the tax at the rate thus produced or at such lower rate as it finds will produce the amount required to meet the expenditures found by it to be necessary; but if it finds that such necessity does not exist, it shall levy the tax at the rate of fifteen cents (\$0.15) or less on each one hundred dollars (\$100) of taxable property in the district.

If the district is in more than one county, the board of supervisors of any county in which the district lies shall not levy a tax at a rate in excess of fifteen cents (\$0.15), unless the boards

of supervisors of the other counties in which the district lies levy the tax at the same rate. If the boards of supervisors can not agree on a rate to be levied in excess of fifteen cents (\$0.15), the rate of tax shall not exceed fifteen cents (\$0.15). The maximum rate of the tax shall not be greater than forty cents (\$0.40) on each one hundred dollars (\$100) of taxable property of the district in the county.

(Added by Stats. 1st Ex. Sess. 1946, Ch. 43.)

2303. Whenever it appears to the district board that the amount of funds required during an ensuing fiscal year will exceed the amount that can be raised by a levy by the board of supervisors of the maximum rate for the annual district tax, the district board may call an election to submit to the electors of the district the question of whether a tax shall be voted for raising the additional funds.

2304. Notice of the election shall be published for at least four weeks prior to the election.

2305. No particular form of ballot shall be required, nor shall any informalities in conducting the election invalidate it if it is otherwise fairly conducted.

2306. At the election the ballots shall contain the words "Shall the district vote a tax to raise the additional sum of -----?", or words equivalent thereto.

2307. The district board shall canvass the votes cast at the election, and if a majority are in favor of the imposition of the tax, shall report the result to the board of supervisors of the county in which the district is situated, stating the additional amount of money required to be raised. If the district is in more than one county the additional amount shall be prorated for each county by the district board in the same way that the district's original total estimate of funds is prorated; and the district board shall furnish the supervisors and auditor of each county a written statement of the apportionment for that county.

2308. The board of supervisors of each county receiving the written statement shall, at the time of levying county taxes, levy an additional tax upon all the taxable property of the district in the county sufficient to raise the amount apportioned to that county.

2309. All taxes levied under this chapter shall be computed and entered on the county assessment roll by the county auditor and collected at the same time and in the same manner as other county taxes. When collected, the taxes shall be paid into the county treasury for the use of the district.

2310. If the district is in more than one county the treasury of the county in which the district is organized is the depository of all funds of the district.

2311. The treasurers of the other counties shall, at any time, not oftener than twice each year, upon the order of the district board settle with the district board and pay

over to the treasurer of the county where the district is organized all money in their possession belonging to the district. The last named treasurer shall receipt for the money and place it to the credit of the district.

2312. The funds shall only be withdrawn from the county treasury depository upon the warrant of the district board signed by its president or acting president, and countersigned by its secretary or acting secretary. However, if the county in which the district is situated has adopted a requisition system covering the withdrawal of funds for the purchase of services or supplies, the district board may, by resolution, adopt such system and make withdrawals in accordance therewith.

The board may by resolution authorize the withdrawal of funds from the county treasury depository upon a warrant signed by the principal administrative officer of the district and by a member of the board.

(Amended by Stats. 1941, Ch. 314, and by Stats. 1959, Ch. 479.)

2313. (Added by Stats. 1947, Ch. 1020; repealed by Stats. 1957, Ch. 2267.)

2314. (Added by Stats. 1947, Ch. 1020; repealed by Stats. 1957, Ch. 2268.)

Article 5.5. Claims

(Article 5.5 added by Stats. 1959, Ch. 1727.)

2320. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727; amended by Stats. 1963, Ch. 1715. See note following Section 954.)

Article 6. Annexation

2330. Any territory lying contiguous to a mosquito abatement district may be annexed to the district. Noncontiguous territory may be annexed to a district if the board of supervisors of each county in which a portion of the territory proposed to be annexed is situated determines, by resolution, that such portion of the territory is within a reasonable operational distance of the district.

(Amended by Stats. 1959, Ch. 901.)

2331. If the territory is in a city, consent to the annexation shall first be obtained from the governing body of the city. An authenticated copy of the resolution or order of that body consenting to the annexation, shall be attached to the annexation petition.

2332. The district board, upon receiving a written petition for annexation containing a description of the territory sought to be annexed, signed by registered voters in the territory equal in number to at least 10 per cent of the number of votes cast in the territory for the office of Governor at the

last gubernatorial election prior to the time the petition is presented, shall set the petition for hearing. It shall give notice of the hearing by publishing a copy of the petition, together with notice of the time and place set for the hearing, in each county in which any part of the district or of the territory is situated, and in each city situated wholly or in part in the territory.

2333. Not more than five of the names attached to the petition need appear in the publication, but the number of signers shall be stated.

2333.5. As an alternative to the procedure prescribed in Sections 2332 and 2333 of the article, a city may petition for annexation to a district in the following manner:

(a) The governing body of the city shall by resolution announce its intention to petition for annexation to the district setting a place and a time not less than 14 days nor more than 30 days subsequent to the adoption of the resolution, at which time any resident of the city may appear and be heard by the governing body thereon.

(b) Notice of the hearing shall be published once in a newspaper of general circulation in the city, at least seven days before the date of the hearing.

(c) Upon the completion of the hearing, or any continuances thereof, the governing body of the city, two-thirds of its members concurring therein, may adopt a resolution petitioning the annexation of the city to the district. A certified copy of the resolution shall be filed with the district board.

(d) Upon receipt of a certified copy of a resolution by the governing body of a city petitioning for annexation of the city to the district, the district board shall set the petition for hearing not less than 30 days nor more than 90 days from the date on which the resolution is filed with the district board. It shall give notice of the hearing by publishing a copy of the resolution together with notice of the time and place set for hearing, not less than two times in a newspaper of general circulation in the district and in the city, the second publication thereof being at least seven days prior to the date set for hearing.

(e) Subsequent proceedings shall be conducted in the manner provided in this article.

(Added by Stats. 1949, Ch. 427.)

2333.6. As an alternative to the procedure prescribed in Sections 2332 and 2333, the board of supervisors may petition for the annexation of unincorporated territory to a district in the following manner:

(a) The board of supervisors shall by resolution announce its intention to petition for annexation of unincorporated territory to the district; such resolution shall describe the boundaries of the proposed annexation, setting a place and a time not less than 14 days nor more than 30 days subsequent to the adoption of the resolution, at which time any resident within the proposed annexation may appear and be heard by the board of supervisors thereon.

(b) Notice of hearing shall be published once in a newspaper of general circulation within the proposed annexation at least seven days before the date of hearing.

(c) Upon completion of the hearing, or any continuances thereof, the board of supervisors, two-thirds of its members concurring therein, may adopt a resolution petitioning the annexation of the territory to the district. A certified copy of the resolution shall be filed with the district board.

(d) Upon receipt of a certified copy of a resolution by the board of supervisors petitioning for annexation of unincorporated territory to the district, the district board shall set the petition for hearing not less than 30 days nor more than 90 days from the date on which the resolution is filed with the district board. It shall give notice of the hearing by publishing a copy of the resolution together with notice of the time and place set for hearing, not less than two times in a newspaper of general circulation in the district and in the proposed annexation, the second publication thereof being at least seven days prior to the date set for hearing.

(e) Subsequent proceedings shall be conducted in the manner provided in this article.

(Added by Stats. 1959, Ch. 901.)

2334. At the time set for the hearing the district board shall hear persons appearing in behalf of the petition and all protests and objections to it. The district board may adjourn the hearing from time to time, not exceeding two months in all.

2335. On the final hearing the district board shall make such changes as it believes advisable in the boundaries of the territory, and shall define and establish the boundaries. It shall also determine whether or not the petition meets the requirements of this chapter.

2336. The failure of any person interested in the annexation of territory to the district to object to the annexation is an assent on his part to any change in the boundaries in the district that may be requested in the petition or to any change made by the district board.

2337. The filing of the petition with the district board is an assent on the part of each of the petitioners to any change in the boundaries of the district that will include the whole or any portion of the territory described in the petition.

2338. If upon the hearing the district board finds that the petition and the proceedings thereon meet the requirements of this chapter and that it is desirable and to the interests of the district and of the territory proposed to be annexed that the territory, with boundaries as fixed and determined by the district board, or any portion of it, should be annexed to the district, the board shall order the boundaries of the district changed to include the territory, or portion of the territory.

2339. The order of annexation shall describe the boundaries of the annexed territory and that portion of the boundary of the district which coincides with any boundary of the

territory. If necessary in making the order, the board may have any portion of the boundaries surveyed.

2340. If more than one petition for the annexation of territory have been presented, the district board may in one order include in the district any number of separate territories.

2341. The order of annexation shall be entered in the minutes of the board and certified copies shall be filed with the Secretary of State and with the county clerk and recorded with the county recorder of each county in which the district or any part of it is situated.

(Amended by Stats. 1959, Ch. 504.)

2342. From and after the date of the filing and recording of the certified copies of the order, the territory described in the order is a part of the district, with all the rights, privileges, and powers set forth in this chapter and those necessarily incident thereto.

2343. After the annexation of territory to a district the district board shall consist of the number and shall be appointed in the manner prescribed by this chapter for a district formed originally with boundaries embracing the annexed territory. However, the members of the district board in office at the time of the annexation shall continue to serve as members during the remainder of the terms for which they were appointed.

Article 6.5. Withdrawal

-(Article 6.5 added by Stats. 1955, Ch. 1562)

2350. Whenever any portion of a district is included within a city which is not situated within the district by reason of annexation, such portion may be withdrawn from the district; provided, that notice of the intended withdrawal of such portion of the district shall be given to the district board at least 15 days prior to the adoption of a resolution declaring such portion withdrawn from the district.

Whenever any portion of a district is included within a city by reason of the incorporation of the city, such portion may be withdrawn from the district if the State Department of Public Health certifies that the control program which the city proposes to undertake is at least equal to the program of the district.

(Added by Stats. 1955, Ch. 1562; amended by Stats. 1959, Ch. 1455.)

2351. Such withdrawal shall be effective upon the filing with the State Board of Equalization, the governing body of the district, and the county assessor, of copies of a resolution of the legislative body of the city, describing the included portion, and declaring such portion withdrawn.

(Added by Stats. 1955, Ch. 1562.)

Article 7. Consolidation

2360. Two or more contiguous mosquito abatement districts may be consolidated, or any combination of contiguous mosquito abatement districts and pest abatement districts may be consolidated.

(Amended by Stats. 1947, Ch. 1458.)

2361. Whenever in the judgment of the district board it is for the best interests of the district that it be consolidated with one or more other similar districts, it may, by a two-thirds vote of its members, adopt a resolution reciting that fact and declaring the advisability of the consolidation and the willingness of the board to consolidate. It shall then send a copy of the resolution to the board of each of the other districts with which consolidation is proposed.

2362. The district board of each of the other districts with which consolidation is proposed shall consider the proposal and give notice of its decision to the proposing board. If it appears from the original resolution and the notice of the decision of the district board of each of the other districts that two-thirds of the members of each of the boards of the districts proposed to be consolidated are in favor of consolidation, and are willing to consolidate, each of said district boards shall then, by not less than a two-thirds vote of the membership of each board, adopt a concurrent resolution in favor of consolidation, declaring their willingness to consolidate, specifying a name for the consolidated district, and specifying whether the consolidated district shall become a mosquito abatement district and be governed by the provisions of this code relating to mosquito abatement districts or become a pest abatement district and be governed by the provisions of this code relating to pest abatement districts. Immediately upon the adoption of such concurrent resolution a copy signed by not less than two-thirds of the members of each of the boards of the districts proposed to be consolidated shall be forwarded to the board of supervisors of the county in which all of the districts, or the greater portion of the land in all of the districts, are situated.

(Amended by Stats. 1947, Ch. 1458.)

2363. (Repealed by Stats. 1947, Ch. 1458.)

2364. (Repealed by Stats. 1947, Ch. 1458.)

2365. (Repealed by Stats. 1947, Ch. 1458.)

2366. (Repealed by Stats. 1947, Ch. 1458.)

2367. If it appears that not less than two-thirds of the members of each of the boards of the districts proposed to be consolidated have signed the concurrent resolution favoring consolidation of the districts, declaring their willingness to consolidate, specifying a name for the consolidated district, and specifying whether the consolidated district shall become a mosquito abatement district and be governed by the provisions of this code relative to mosquito abatement districts or become a pest abatement district and be governed by the provisions of

this code relative to pest abatement districts, the board of supervisors shall immediately:

(a) Enter an order in its minutes consolidating all of the districts proposed to be consolidated into one district of the type specified in the concurrent resolution.

(b) Transmit a certified copy of the order to the board of supervisors of any other county in which any portion of the proposed consolidated district is situated.

(c) Record a copy in the office of the county recorder of each of the counties in which any portion of the proposed consolidated district is situated.

(d) File a copy in the office of the Secretary of State.

(Amended by Stats. 1947, Ch. 1458.)

2368. After the transmission, recording, and filing of the order, the territory in the districts entering into the consolidation proposal forms a single consolidated district.

2369. After the consolidation the district board of the consolidated district shall consist of the number and shall be appointed in the manner prescribed by this chapter for a district originally formed with boundaries embracing the territory within the district.

2370. The terms of the members of the district boards of the several districts consolidated who are in office at the time of consolidation shall terminate at the time the consolidation becomes effective. The board of supervisors on the date that such consolidation becomes effective shall select and appoint officers for the consolidated district in the same manner that such officers are selected and appointed under the provisions of this code relating to a district of the type which is selected for the consolidated district by the concurrent resolution adopted in connection with the consolidation.

(Amended by Stats. 1947, Ch. 1458.)

2371. The original resolution proposing a consolidation shall specify a name for the consolidated district.

2372. A consolidated district has all the rights, powers, duties, privileges, and obligations of a new district formed under the provisions of this code relating to a district of the type selected for the consolidated district by the concurrent resolution adopted in connection with the consolidation.

(Amended by Stats. 1947, Ch. 1458.)

2373. If at the time of a consolidation there is outstanding any indebtedness of any former districts included in the consolidated district, the indebtedness shall be paid in the manner provided for the payment of indebtedness upon the dissolution of a district.

2374. A consolidated district shall not be liable for any indebtedness of any former districts included in it which was outstanding at the time of consolidation.

2375. No property in any of the former districts shall be taxed to pay any indebtedness of any other former district existing at the date of the consolidation.

Article 8. Dissolution

2390. The district may at any time be dissolved upon the vote of two-thirds of the qualified electors in the district at an election called by the district board upon the question. The proposition shall be submitted as follows: "Shall the district be dissolved?", or words equivalent thereto.

2391. Notice of the election shall be published for at least four weeks prior to the election in the district.

2392. If two-thirds of the votes at the election are in favor of the dissolution, the district board shall certify that fact to the Secretary of State. Upon receipt of the certificate, the Secretary of State shall issue his certificate reciting that the district (naming it) has been dissolved, and shall transmit to and file a copy with the county clerk of each county in which any portion of the district is situated.

2393. After the date of the certificate of the Secretary of State, the district is dissolved.

2394. If the district at the time of dissolution was in unincorporated territory in one county, its property vests in the county.

2395. If the district at the time of dissolution was situated wholly within the boundaries of a single city, its property vests in the city.

2396. If the district comprised unincorporated territory alone situated in two or more counties, its property vests in the counties in proportion to the assessed value of the district's property in each county as shown upon the last equalized county assessment roll.

2397. If the district comprised both incorporated and unincorporated territory, its property vests in each city and each county in the territory in proportion to the assessed value of the district's property in the city or county as shown upon the last equalized county assessment rolls. However, any real property, easements, or rights of way vest in:

(a) The city in which they are situated, if situated in incorporated territory.

(b) The county in which they are situated, if situated in unincorporated territory.

2398. If at the time of the election to dissolve a district there is outstanding any indebtedness of the district, the vote to dissolve the district dissolves it for all purposes except the levy and collection of taxes for the payment of the indebtedness, and for the payment of expenses in assessing, levying, and collecting taxes.

Until the indebtedness is paid, the board of supervisors of the county in which the greater portion of the district was situated shall act ex officio as the district board and shall levy taxes and perform such functions as may be necessary in order to pay the indebtedness.

Article 9. Changes in Common Boundary
(Article 9 added by Stats. 1963, Ch. 67)

2400. Any mosquito abatement district or pest abatement district which has a common boundary with any mosquito abatement district or pest abatement district may make changes in the common boundary by the withdrawal of any territory which is contiguous from one district and its inclusion within the other district.

(Added by Stats. 1963, Ch. 67.)

2401. The district board of each of the districts shall adopt a resolution of its intention to make changes in the common boundary with the consent of the district board of the other district. The resolution shall describe the proposed changes in the common boundary and set a place and a time, not less than 14 days nor more than 30 days subsequent to the adoption of the resolution, at which the property owners in any area affected by the proposed changes in the common boundary may appear and be heard.

(Added by Stats. 1963, Ch. 67.)

2402. The district board of each district shall mail a copy of the resolution of intention to the district board of the other district and also cause a copy of the resolution to be published once in a newspaper of general circulation in each area affected by the proposed changes in the common boundary.

(Added by Stats. 1963, Ch. 67.)

2403. At the time and place set for the hearing the district board shall hear any protests and objections to the proposed changes in the common boundaries. If, at the conclusion of the hearing, the district board determines that the proposed changes in the common boundary are in the best interests of the district, it shall adopt a resolution which describes and consents to the proposed changes in the common boundary.

(Added by Stats. 1963, Ch. 67.)

2404. Each district board that adopts a resolution which consents to changes in its common boundary with another district shall mail a copy of the resolution to the district board of the other district. It shall also file a copy of the resolution with the State Board of Equalization and the county assessor. The changes in the common boundary of the districts shall be effective when each district board has filed with the State Board of Equalization a copy of a resolution adopted by it which consents to the same changes in the common boundary.

(Added by Stats. 1963, Ch. 67.)

2405. Any territory withdrawn from any district pursuant to this article shall continue to be subject to taxation to pay any indebtedness of the district which is outstanding and unpaid at the time the withdrawal becomes effective.

(Added by Stats. 1963, Ch. 67.)

2406. The provisions of Chapter 3 (commencing with Section 58850) and Chapter 3.5 (commencing with Section 58900), Division 1, Title 6 of the Government Code are not applicable

to any proceeding to change the common boundary of districts pursuant to this article.

(Added by Stats. 1963, Ch. 67.)

CHAPTER 5.5. MOSQUITO AND GNAT CONTROL

(Chapter 5.5 added by Stats. 1947, Ch. 704. Title amended by Stats. 1949, Ch. 695)

2425. The State department shall make such studies and demonstrations as may be necessary to determine the areas of the State which have a high proportion of mosquito-borne diseases, including malaria and encephalitis.

(Added by Stats. 1947, Ch. 704.)

2426. The department may enter into a cooperative agreement with any local district or other public agency engaged in the work of controlling mosquitoes or gnats, or mosquitoes and gnats, in such areas and under such terms, conditions, and specifications as the board may prescribe. Such agreement may provide for financial assistance on behalf of the State and for the doing of all or any portion of the necessary work by either of the contracting parties, except that in no event shall the department agree that the State's contribution shall exceed 50 percent of the total cost of any acceptable plan.

(Added by Stats. 1947, Ch. 704; amended by Stats. 1949, Ch. 695.)

CHAPTER 6. (Repealed by Stats. 1957, Ch. 205. See note following Section 112)

Article 1. (Repealed by Stats. 1957, Ch. 205. See note following Section 112)

2500. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Article 2. (Repealed by Stats. 1957, Ch. 205. See note following Section 112)

2521. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2522. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2523. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2524. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Article 3. (Repealed by Stats. 1957, Ch. 205. See note following Section 112)

2554. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2555. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2556. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2557. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2558. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2559. (Amended by Stats. 1947, Ch. 598; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2559.5. (Added by Stats. 1945, Ch. 221; amended by Stats. 1949, Ch. 305, and by Stats. 1955, Ch. 93; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2559.6. (Added by Stats. 1949, Ch. 305; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2560. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2561. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2562. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2563. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2564. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2565. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2566. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2567. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2568. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2569. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2570. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2571. (Amended by Stats. 1939, Ch. 375, and by Stats. 1947, Ch. 598; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2572. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2573. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2574. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Article 4. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2600. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2600.5. (Added by Stats. 1949, Ch. 305; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2600.6. (Added by Stats. 1953, Ch. 331; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2601. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2602. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2603. (Added by Stats. 1949, Ch. 305; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

CHAPTER 8. PEST ABATEMENT DISTRICTS

Article 1. Definitions and General Provisions

2800. "Pest," as used in this chapter, includes any plant, animal, insect, fish, or other matter or material, not under human control, which is offensive to the senses or interferes with the comfortable enjoyment of life, or which is detrimental to the agricultural industry of the State, and is not protected under any other provision of law.

(Amended by Stats. 1945, Ch. 957.)

2801. This chapter is supplemental to any other provision of law relating to the abatement of pests or nuisances.

2802. "District," as used in this chapter, means any pest abatement district formed pursuant to this chapter or pursuant to any law which it supersedes.

2803. Any person who restrains, hinders, or threatens any officer or employee of a district in the performance of his duties as such officer or employee is guilty of a misdemeanor.

(Added by Stats. 1941, Ch. 361.)

Article 2. Formation

2822. The organization of a pest abatement district may be initiated by a petition, describing the exterior boundaries of the proposed district, and the nature of the pest or pests to be controlled or abated.

2822.5. The petition shall state the basis on which the property in the district shall be taxed for district purposes which shall be either on the basis of area or on the basis of assessed valuation.

(Added by Stats. 1941, Ch. 334.)

2823. The petition may fix the maximum rate of assessments that may be levied by the district.

2824. The petition shall be signed by registered voters residing in the proposed district equal in number to 10 per cent of the votes cast in the proposed district for Governor at the last preceding gubernatorial election. The petition may consist of any number of separate instruments, which shall be duplicates, except for the signatures and addresses of the signers. Each person who signs the petition shall also state his address.

2825. The petition shall be presented to the clerk of the county in which the land in the proposed district is situated. The clerk shall compare the signatures on the petition with the signatures of the registered voters on his records for the purpose of ascertaining whether the petition meets the signature requirements of this article.

2826. If the petition lacks sufficient signatures the county clerk shall certify that fact, and at any time within 60 days thereafter additional signatures may be presented to supplement the signatures on the original petition. The additional signatures shall be compared by the clerk in the same manner as the original signatures. If sufficient additional signatures are not presented, proceedings under the petition shall be terminated, without prejudice to the right to file a new petition.

2827. If the petition contains the requisite number of signatures the clerk shall make a certificate to that effect, and shall present the petition and his certificate to the board of supervisors.

2828. If the board of supervisors finds that the petition has been properly presented, the board shall, by resolution, fix a time for hearing the petition, which shall be not less than two nor more than five weeks from the time of its presentation. It shall also publish a notice of the time and place of the hearing in a newspaper of general circulation, printed and published in the county, for not less than two weeks prior to the time of the hearing.

2829. At the time of the hearing, or at any time to which it may be adjourned, the board of supervisors shall hear and consider all competent and relevant testimony or evidence offered in support of or in opposition to the formation of the district.

2830. The board of supervisors may make such changes in the proposed boundaries of the district as it may consider advisable. It may exclude any land in the proposed district upon the application of the owner, or it may include any land outside and contiguous to the proposed district upon the application of the owner, if it determines that the exclusion or inclusion is proper.

2831. If, upon the hearing, the board of supervisors determines that the public interest or welfare of the proposed territory and its inhabitants requires the formation of the district, it shall, by resolution, declare its findings and order that the territory within the boundaries determined by it is a district, under an appropriate name to be selected by it.

2832. The clerk of the board of supervisors shall immediately record a certified copy of the order in the office of the county recorder in which the district is situated and also file a certified copy with the Secretary of State. The district is then formed as a pest abatement district, with all of the rights,

privileges, and powers set forth in this chapter, and those necessarily incident thereto.

(Amended by Stats. 1959, Ch. 504.)

Article 3. Administration

2850. Within 30 days after incorporation the board of supervisors shall appoint a board of trustees, consisting of not less than five nor more than nine members to act as the governing body of the district. At any time after the appointment of the initial board of trustees the board of supervisors may, at the request of the existing board of trustees of the district, increase or decrease the number of members of the board of trustees, but such board shall under no circumstances consist of less than five nor more than nine members.

(Amended by Stats. 1947, Ch. 890.)

2851. The members of the district board shall hold office at the pleasure of the board of supervisors. They shall serve without compensation, but shall be allowed their necessary traveling and other expenses incurred in performance of their official duties. In lieu of such expenses, the district board may, by resolution, provide for the allowance and payment to each member of the board of a sum not exceeding twenty-five dollars (\$25) as expenses incurred in attending each business meeting of the board.

(Amended by Stats. 1947, Ch. 890, and by Stats. 1959, Ch. 480.)

2852. The district board may take all necessary or proper steps for the extermination of the pest or pests mentioned in the petition for the organization of the district, subject to the control of city or other public authorities having jurisdiction in the matter.

2853. The district board may:

(a) Purchase supplies and other personal property.

(b) Employ necessary labor.

(c) Acquire by purchase, condemnation, or otherwise, in the name of the district, any lands, rights of way, easements or other real property necessary for the district.

(d) Sell or lease any lands, rights of way, easements, material, or other property, real or personal, acquired by the district.

(e) Make contracts to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers conferred by this chapter or of powers incident thereto.

(f) Sue and be sued.

(g) Enter upon any property in the district for the purpose of inspection and control work, and for the same purposes may enter upon property adjacent to the district which is or is susceptible of being a breeding place from which infestation may spread into the district.

(h) Do everything necessary to carry out the powers conferred by this chapter and carry out the objects of the formation of the district.

(Amended by Stats. 1941, Ch. 361, and by Stats. 1947, Ch. 890.)

2854. Every sale of real property made pursuant to subdivision (d) of Section 2853 of this code shall be made at such place within the district as the district board shall specify, and such real property shall be sold to the highest bidder at public auction, after notice of sale is published once a week for two successive weeks in a newspaper of general circulation published in the district or county. If a newspaper of general circulation is not printed and published within such district or county, public notice of the sale shall be given for at least two weeks by notices posted in three public places in the district.

(Added by Stats. 1947, Ch. 890.)

2855. The district board may borrow money in any fiscal year, which shall not exceed the anticipated revenue of that fiscal year and which shall be repaid in the same fiscal year. Such money shall be borrowed upon such other terms as the board shall fix; provided, that interest shall not exceed 6 percent, computed annually or semiannually.

The district board may also issue warrants payable upon a future date in the same fiscal year as issued, which shall be evidentiary of the obligation to repay the money so borrowed and interest thereon, and for that purpose such warrant may bear such interest as is fixed by the terms of the agreement to repay.

(Added by Stats. 1953, Ch. 413.)

Article 4. Taxation

2870. The district board shall annually before the tenth day of July file with the board of supervisors of the county in which the district is situated an estimate of the amount of money necessary for the purposes of the district during the ensuing fiscal year.

2871. The board of supervisors shall levy, annually, a tax sufficient to raise the amount required for the purposes of the district. If the rate has been fixed by the organization petition, the rate fixed by the board shall not exceed that rate.

(Amended by Stats. 1939, Ch. 449, and by Stats. 1941, Ch. 334.)

2871.5. If the petition states that the property shall be taxed on the basis of area, the rate shall be uniform and based on area of land, regardless of assessed valuation. The county assessor of each county shall prepare an assessment roll showing the names and addresses and the acreage owned by each person owning land within a district, which roll shall be the basis for the tax provided for herein.

(Added by Stats. 1941, Ch. 334.)

2871.7. If the petition states that the property shall be taxed on the basis of assessed valuation, the board shall deter-

mine the rate of the tax by deducting 15 per cent from the total assessed value of the property in the district appearing upon the assessment roll and then dividing the amount required to be raised by the remainder of the assessed value.

(Added by Stats. 1941, Ch. 334.)

2872. All taxes levied under this chapter shall be assessed and collected at the same time and in the same manner as other taxes are collected for county purposes, and shall be paid into the county treasury to the credit of the district.

2873. The funds of the district shall be withdrawn from the treasury upon the warrant of the district board.

2874. The board of supervisors, from time to time, may order a temporary transfer of money from other available funds in the county treasury to the credit of the district fund. The transfer shall be made only upon resolution adopted by the board of supervisors directing the treasurer to make the transfer. It shall not exceed 85 per cent of the taxes accruing to the district, and shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year. Any funds transferred shall be replaced from the taxes accruing to the district before any other obligation of the district is met from those taxes.

2875. Upon application of registered voters in the district equal to the number required for a petition to initiate proceedings for the organization of the district and after notice published as prescribed for notice of hearing on a petition for organization and a hearing on the matter, the board may change the basis upon which the property in the district shall be taxed from one permitted basis to the other. Thereafter in ensuing tax periods the basis as changed shall be the basis of taxation for the district.

(Added by Stats. 1941, Ch. 334.)

2876. Notwithstanding whichever permitted basis is the basis upon which the property in the district shall be taxed, if a district is organized in any year too late for the levy of a tax in that year or in the next ensuing year, the board is hereby authorized to transfer funds of the county not immediately needed for county purposes to the district fund to be used for the payment of the expenses of such district until such time as special assessment tax receipts are available therefor. The board shall include, in the levy of taxes for the district for the first fiscal year in which a tax may be levied, a sum sufficient to repay to the county the amounts so transferred to the district for the portion or portions of the preceding fiscal year or years for which no levy of taxes was made for that purpose and the amounts so transferred shall be retransferred to the county treasury from the district fund out of the first available receipts from the tax levy.

(Added by Stats. 1949, Ch. 197.)

NOTE: Stats. 1949, Ch. 197, also contained the following provision:

SEC. 2. Nothing in this act shall be deemed to be a declaration of the intention of the Legislature concerning the meaning or application of

Section 3720 of the Political Code, as adopted by Chapter 601 of the Statutes of 1935, or any statutory successor thereto, or to be a construction of said section.

Article 4.5. Claims

(Article 4.5 added by Stats. 1959, Ch. 1727)

2880. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727; amended by Stats. 1963, Ch. 1715. See note following Section 954.)

Article 5. Annexation

2900. At any time after the incorporation of a district, land contiguous to it may be annexed upon a petition of the owner, if the board of supervisors finds that the annexation will benefit both the land to be annexed and the district.

2901. At any time after the incorporation of a district upon application of such persons as could have initiated proceedings for the formation of a district composed of the land sought to be annexed, land contiguous to the district may be annexed by the board of supervisors upon like procedure, notice, and hearing as provided for formation of a district.

If it shall be made to appear to the board of supervisors that public necessity or welfare requires that land contiguous to a district be annexed thereto, the board of supervisors may adopt a resolution stating their intention to annex such territory. Such resolution shall describe the boundaries of the area proposed to be annexed and shall, so far as practicable, contain all matters of fact and finding required upon proceedings for the formation of a district and shall set a time and place at which the board will consider the annexation of such area, and shall state that all persons interested may appear and be heard. Such resolution of intention shall be published in the same manner and for the same length of time as a petition.

(Added by Stats. 1941, Ch. 333; amended by Stats. 1945, Ch. 957.)

Article 5a. Consolidation

(Article 5a added by Stats. 1947, Ch. 1458)

2910. Two or more contiguous pest abatement districts may be consolidated, or any combination of contiguous pest abatement districts and mosquito abatement districts may be consolidated.

(Added by Stats. 1947, Ch. 1458.)

2911. Pest abatement districts formed under the provisions of this chapter may be consolidated with other contiguous pest abatement districts, or with contiguous mosquito abatement districts organized under the provisions of Chapter 5 of Division 3 of this code, in the same manner and by the same procedure

as is provided for the consolidation of mosquito abatement districts with other mosquito abatement districts or pest abatement districts in Article 7 of Chapter 5 of Division 3 of this code. All provisions in Article 7 of Chapter 5 of Division 3 of this code shall apply to pest abatement districts formed under this chapter.

(Added by Stats. 1947, Ch. 1458.)

Article 6. Dissolution

2920. Upon the application of registered voters in the district equal to the number required for a petition to initiate proceedings for the formation of the district, the board of supervisors may, after notice of hearing published in the manner prescribed in this chapter for the notice of a hearing on the organization petition, dissolve the district, if it appears to the board that the dissolution is proper. The dissolution of a district shall not have any effect on any taxes previously levied.

2921. Upon the dissolution the board of supervisors shall succeed to all the powers and jurisdiction of the district board for the purpose of winding up the affairs of the district. It may continue to levy such taxes as are necessary in winding up the affairs of the district.

2922. No district shall be finally dissolved until all outstanding obligations of the district, including the repayment of funds transferred to the credit of the district from other funds of the county, have been fully paid and discharged.

Article 7. Changes in Common Boundary

(Added by Stats. 1963, Ch. 67)

2930. Any mosquito abatement district or pest abatement district which has a common boundary with any mosquito abatement district or pest abatement district may make changes in the common boundary pursuant to Article 9 (commencing with Section 2400), Chapter 5 of this division.

(Added by Stats. 1963, Ch. 67.)

DIVISION 4. COMMUNICABLE DISEASE PREVENTION AND CONTROL

(Former Division 4, consisting of Sections 3099 to 3342, repealed by Stats. 1957, Ch. 205. Present Division 4 added by Stats. 1957, Ch. 205. See note following Section 112)

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

(Former Chapter 1, consisting of Section 3099, repealed by Stats. 1957, Ch. 205. Present Chapter 1 added by Stats. 1957, Ch. 205. See note following Section 112)

3000. "Health officer," as used in this division, includes county, city, and district health officers, and city and district health boards, but does not include advisory health boards. (Added by Stats. 1957, Ch. 205. See note following Section 112.)

3001. As used in this division, "venereal diseases" means syphilis, gonorrhea, chancre, lymphopathia venereum, and granuloma inguinale.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3002. Whenever in this division, service or notice of any order or demand is provided for, it shall be sufficient to do so by registered or certified mail if a receipt therefor signed by the person to be served or notified is obtained. The receipt shall be prima facie evidence of such service or notice in any civil or criminal action.

(Added by Stats. 1961, Ch. 30.)

CHAPTER 2. FUNCTIONS OF STATE DEPARTMENT

(Former Chapter 2, consisting of Sections 3300 to 3309, repealed by Stats. 1957, Ch. 205. Present Chapter 2 added by Stats. 1957, Ch. 205. See note following Section 112)

3050. The state department may establish and maintain places of quarantine or isolation.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3051. The state department may quarantine, isolate, inspect, and disinfect persons, animals, houses, rooms, other property, places, cities, or localities, whenever in its judgment such action is necessary to protect or preserve the public health.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3052. The state department may destroy such objects as bedding, carpets, household goods, furnishings, materials, clothing, or animals, when ordinary means of disinfection are considered unsafe, and when the property is in its judgment, an imminent menace to the public health.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3053. Upon being informed by a health officer of any contagious, infectious, or communicable disease the state department may take such measures as are necessary to ascertain the nature of the disease and prevent its spread. To that end, the state department may, if it considers it proper, take possession or control of the body of any living person, or the corpse of any deceased person.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3099. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

3100. (Amended by Stats. 1939, Ch. 1070; repealed by Stats. 1947, Ch. 1000.)

3101. (Repealed by Stats. 1947, Ch. 1000.)

CHAPTER 3. FUNCTIONS OF HEALTH OFFICERS

(Former Chapter 3, consisting of Sections 3325 and 3326, repealed by Stats. 1947, Ch. 1000. Former Chapter 3, consisting of Sections 3340 to 3342, repealed by Stats. 1957, Ch. 205. Present Chapter 3 added by Stats. 1957, Ch. 205. See note following Section 112)

3110. Each health officer knowing or having reason to believe that any case of the diseases made reportable by regulation of the Board of Public Health, or any other contagious, infectious or communicable disease exists, or has recently existed, within the territory under his jurisdiction, shall take such measures as may be necessary to prevent the spread of the disease or occurrence of additional cases.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3111. Each health officer shall enforce all orders, rules, and regulations concerning quarantine or isolation prescribed or directed by the state department.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3112. Each health officer, whenever required by the state department, shall establish and maintain places of quarantine or isolation that shall be subject to the special directions of the state department.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3113. No quarantine shall be established by a county or city against another county or city without the written consent of the state department.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3114. Whenever in the judgment of the state department it is necessary for the protection or preservation of the public health, each health officer shall, when directed by the state department, do the following:

(a) Quarantine or isolate and disinfect persons, animals, houses or rooms, in accordance with general and specific instructions of the state department.

(b) Destroy bedding, carpets, household goods, furnishings, materials, clothing, or animals, when ordinary means of disinfection are considered unsafe, and when the property is, in the judgment of the state department, an imminent menace to the public health.

When the property is destroyed pursuant to this section, the governing body of the locality in which the destruction occurs

may make adequate provision for compensation in proper cases for those injured thereby.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3115. Upon receiving information of the existence of contagious, infectious, or communicable disease for which the state department may from time to time declare the need for strict isolation or quarantine, each health officer shall:

(a) Insure the adequate isolation of each case, and appropriate quarantine of the contacts and premises

(b) Follow local rules and regulations, and all general and special rules, regulations, and orders of the state department, in carrying out the quarantine or isolation.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3116. When quarantine or strict isolation is established by a health officer, all persons shall obey his rules, orders, and regulations.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3117. A person subject to quarantine or strict isolation, residing or in a quarantined building, house, structure, or other shelter, shall not go beyond the lot upon which the building, house, structure, or other shelter is situated, nor put himself in immediate communication with any person not subject to quarantine, other than the physician, the health officer or persons authorized by the health officer.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3118. No instructor, teacher, pupil, or child who resides where any contagious, infectious, or communicable disease exists or has recently existed, which is subject to strict isolation or quarantine of contacts, shall be permitted by any superintendent, principal, or teacher of any college, seminary, or public or private school to attend the college, seminary, or school, except by the written permission of the health officer.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3119. No quarantine shall be raised until every exposed room, together with all personal property in the room, has been adequately treated, or, if necessary, destroyed, under the direction of the health officer; and until all persons having been under strict isolation are considered noninfectious.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3120. When there occurs in the household of any dairy worker, milkman, milk dealer, milk distributor, creamery worker, or pasteurizing plant operator, a case or a suspected case of diphtheria, salmonellosis, shigellosis (dysentery), typhoid fever, streptococcal infection, or any other disease known to be or suspected of being transmitted by milk, the sale or distribution of milk from those premises shall be prohibited

unless written authorization for its sale or distribution is given by the health officer.

A case or suspected case of any disease known to be transmitted by milk which occurs in the household of any of the above-mentioned persons, shall be reported immediately to the health officer.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3121. In the case of a local epidemic of disease, the health officer shall report at such times as are requested by the state department all facts concerning the disease, and the measures taken to abate and prevent its spread.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3122. Each health officer shall immediately report by telegraph or telephone to the state department every discovered or known case or suspect case of those diseases designated for immediate reporting by the state department. Within 24 hours after investigation each health officer shall make such reports as the state department may require.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3123. The state department may establish a list of reportable diseases and this list may be changed at any time by the state department. Those diseases listed as reportable shall be properly reported as required to the state department by the health officer.

The state department may from time to time adopt and enforce rules and regulations requiring isolation (strict or modified) or quarantine for any of the contagious, infectious, or communicable diseases if in the opinion of the state department such action is necessary for the protection of the public health.

The health officer may require isolation (strict or modified) or quarantine for any case of contagious, infectious, or communicable disease when such action is necessary for the protection of the public health.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3124. Each health officer, other than a county health officer, in the county shall transmit to the county health officer at least weekly in writing a report showing the number and character of infectious, contagious, or communicable diseases reported, and their location.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3125. All physicians, nurses, clergymen, attendants, owners, proprietors, managers, employees, and persons living, or visiting any sick person, in any hotel, lodginghouse, house, building, office, structure, or other place where any person is ill of any infectious, contagious, or communicable disease, shall promptly

report that fact to the health officer, together with the name of the person, if known, the place where he is confined, and the nature of the disease, if known.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

CHAPTER 4. VENEREAL DISEASE

(Chapter 4 added by Stats. 1957, Ch. 205. See note following Section 112)

Article 1. Prevention and Control

(Article 1 added by Stats. 1957, Ch. 205. See note following Section 112)

3180. The state department shall develop and review plans and provide leadership and consultation for, and participate in, a program for the prevention and control of venereal disease.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3181. The state department shall cooperate in the prevention, control, and cure of venereal diseases with physicians and surgeons; medical schools; public and private hospitals, dispensaries, and clinics; public and private school, college and university authorities; penal and charitable institutions; reform and industrial schools; detention homes; federal, state, local and district health officers, and boards of health, and all other health authorities; institutions caring for the mentally ill; and with any other persons, institutions, or agencies.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3182. The state department shall investigate conditions affecting the prevention and control of venereal diseases and approved procedures for such prevention and control, and shall disseminate educational information relative thereto.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3183. The state department shall conduct such educational and publicity work as it may deem necessary; and, from time to time, shall cause to be issued, free of charge, copies of such rules and regulations, pamphlets, and other literature as it deems reasonably necessary.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3184. The state department may establish, maintain, and subsidize clinics, dispensaries, and prophylactic stations for the diagnosis, treatment, and prevention of venereal diseases, and may provide medical, advisory, financial, or other assistance to such clinics, dispensaries, and stations as may be approved by it. No clinic, dispensary, or prophylactic station

shall be approved unless it meets the requirements of the board and complies with its rules and regulations.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3185. The state department may furnish treatment for a case or for a group of cases in rural counties or cities upon the recommendation of the local health officer if adequate facilities for such treatment are not available in the county or city.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3186. Any state agency conducting a public hospital shall admit acute venereal disease cases, when, in the opinion of the state department or the local health officer having jurisdiction, persons infected with venereal disease may be a menace to public health.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3187. The state department may require any physician in attendance on a person infected or suspected of being infected with a venereal disease infection to submit such specimens as may be designated for examination, when in its opinion such procedure is reasonably necessary to carry out the provisions and purposes of this article.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3188. The examination may be made in the state laboratory or in a local public health laboratory designated by the state department or in a clinical laboratory which is under the immediate supervision and direction of a clinical laboratory technologist or a licensed physician and surgeon.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3189. Nothing in this article limits any person's freedom to have additional examinations made elsewhere than specified in this article.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3190. Every diseased person shall give all information required by this article, including the name and address of any person from whom the disease may have been contracted and to whom the disease may have been transmitted.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3191. Every diseased person shall from time to time submit to approved examinations to determine the condition of the disease.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3192. If any person subject to proper venereal disease control measures discontinues any control procedure required by this article, the agency administering the procedure prior to

such discontinuance shall make reasonable efforts to determine whether such person is continuing to comply with the procedure elsewhere.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3193. If it appears reasonably likely that such person is not complying with such procedure elsewhere, the agency which was administering the procedure prior to the discontinuance shall make all reasonable efforts to induce such person to comply; and if it thereafter appears reasonably likely that he has failed to comply, shall report his name and address to the local health officer or board of health, or to the state department where there is no such local health officer or board.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3194. It is the duty of the local health officers to use every available means to ascertain the existence of cases of infectious venereal diseases within their respective jurisdictions, to investigate all cases that are not, or probably are not, subject to proper control measures approved by the board, to ascertain so far as possible all sources of infection, and to take all measures reasonably necessary to prevent the transmission of infection.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3195. Local health officers may inspect and quarantine any place or person when such procedure is necessary to enforce the rules and regulations of the board or the state department.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3196. It is the duty of the district attorney of the county in which a violation of this article may occur to prosecute the person accused of the violation.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3197. In any prosecution for a violation of any provision of this article, or any rule or regulation of the board made pursuant to this article, or in any quarantine proceeding authorized by this article, or in any habeas corpus or other proceeding in which the legality of such quarantine is questioned, any physician, health officer, spouse, or other person shall be competent and may be required to testify against any person against whom such prosecution or other proceeding was instituted, and the provisions of subsections 1 and 4 of Section 1881 of the Code of Civil Procedure shall not be applicable to or in any such prosecution or proceeding.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3198. Any person who refuses to give any information to make any report, to comply with any proper control measure or examination, or to perform any other duty or act required by this article, or who violates any provision of this article or

any rule or regulation of the state board issued pursuant to this article, or who exposes any person to or infects any person with any venereal disease; or any person infected with a venereal disease in an infectious state who knows of such condition and who marries or has sexual intercourse, is guilty of a misdemeanor.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3199. Nothing in this article shall be construed to interfere with the freedom of any adherent of teachings of any well-recognized religious sect, denomination, or organization to depend exclusively upon prayer for healing in accordance with the teachings of such religious sect, denomination, or organization. Any such person, along with any person treating him, shall be exempt from all provisions of this article regarding venereal diseases, except that the provisions of this code and the rules and regulations of the board regarding compulsory reporting of communicable diseases and the quarantine of such diseases, and regarding callings in which a person with venereal disease may not engage, shall apply.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Article 2. Prenatal Syphilitic Tests

(Article 2 added by Stats. 1957, Ch. 205. See note following Section 112)

3220. "Approved laboratory" as used in this article means a laboratory approved by the state department, or any other laboratory the director of which is licensed by the state department according to law.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3221. "Standard laboratory blood test" as used in this article means a test for syphilis approved by the state department.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3222. Every licensed physician and surgeon or other person engaged in prenatal care of a pregnant woman, or attending such woman at the time of delivery, shall obtain or cause to be obtained a blood specimen of such woman at the time of the first professional visit or within 10 days thereafter.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3223. The blood specimen thus obtained shall be submitted to an approved laboratory for a standard laboratory test for syphilis.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3224. In submitting a specimen to a laboratory the physician shall designate it as a prenatal test or a test following recent delivery.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3225. The state department shall issue a "prenatal test laboratory report form" to be distributed upon application to all laboratories approved to do tests required by this article.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3226. Any laboratory doing a test required by this part shall prepare the report in triplicate.

The original shall be transmitted by the laboratory doing the test to the physician submitting the specimen.

The duplicate reports of all specimens which show any degree of reactivity shall be forwarded at weekly intervals to the local health department having jurisdiction over the area in which the physician submitting the specimen is located.

The triplicate shall be retained by the laboratory in its file according to serial number for two years and shall be open at any time for inspection by an authorized representative of the state department.

The laboratory also shall submit such other laboratory reports or records to the State Department of Public Health as are required by regulation of the State Board of Public Health.

(Added by Stats. 1957, Ch. 205; amended by Stats. 1957, Ch. 461.)

3227. All laboratory reports are confidential, and are not open to public inspection.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3228. In case of question concerning the accuracy of a test required by this article, it is mandatory upon the state department to accept specimens for checking purposes from any district in the State.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3229. Any licensed physician and surgeon, or other person engaged in attendance upon a pregnant woman or a recently delivered woman, or any representative of a laboratory who violates any provision of this article, is guilty of a misdemeanor. However, a licensed physician and surgeon, or other person engaged in attendance upon a pregnant or recently delivered woman, whose request for a specimen is refused, is not guilty of a misdemeanor for failure to obtain it.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

CHAPTER 5. TUBERCULOSIS

(Chapter 5 added by Stats. 1957, Ch. 205. See note following Section 112)

3279. The department shall maintain a program for the control of tuberculosis and shall administer the funds made available by the State for the care of tuberculosis patients.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3280. Pulmonary tuberculosis is an infectious and communicable disease, dangerous to the public health, and all proper expenditures that may be made by any county, pursuant to this chapter, are necessary for the preservation of the public health of the county.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3285. Each health officer is hereby directed to use every available means to ascertain the existence of, and immediately to investigate, all reported or suspected cases of tuberculosis in the infectious stages within his jurisdiction and to ascertain the sources of such infections. In carrying out such investigations, each health officer is hereby invested with full powers of inspection, examination and quarantine or isolation of all persons known to be infected with tuberculosis in an infectious stage and is hereby directed:

(a) To make such examinations as are deemed necessary of persons reasonably suspected of having tuberculosis in an infectious stage and to isolate or isolate and quarantine such persons, whenever deemed necessary for the protection of the public health.

(b) Follow local rules and regulations regarding examinations, quarantine, or isolation, and all general and special rules, regulations, and orders of the state department in carrying out such examination, quarantine or isolation.

(c) Whenever the health officer shall determine on reasonable grounds that an examination of any person is necessary for the preservation and protection of the public health, he shall make an examination order in writing, setting forth the name of the person to be examined, the time and place of the examination, and such other terms and conditions as may be necessary to protect the public health. Nothing contained in this subdivision shall be construed to prevent any person whom the health officer determines should have an examination for infectious tuberculosis from having such an examination made by a physician of his own choice who is licensed to practice medicine under the provisions of Chapter 5 (commencing with Section 2000), Division 2 of the Business and Professions Code under such terms and conditions as the health officer shall determine on reasonable grounds to be necessary to protect the public health.

(d) Whenever the health officer shall determine that quarantine or isolation in a particular case is necessary for

the preservation and protection of the public health, he shall make an isolation or quarantine order in writing, setting forth the name of the person to be isolated, the period of time during which the order shall remain effective, the place of isolation or quarantine, and such other terms and conditions as may be necessary to protect the public health.

(e) Upon the making of an examination, isolation, or quarantine order as provided in this section, a copy of such order shall be served upon the person named in such order.

(f) Upon the receipt of information that any examination, quarantine, or isolation order, made and served as herein provided, has been violated, the health officer shall advise the district attorney of the county in which such violation has occurred, in writing, and shall submit to such district attorney the information in his possession relating to the subject matter of such examination, isolation, or quarantine order, and of such violation or violations thereof.

(Added by Stats. 1957, Ch. 205; amended by Stats. 1961, Ch. 30. See note following Section 112.)

3286. No examination or inspection shall be required of any person who depends exclusively on prayer for healing in accordance with the teachings of any well recognized religious sect, denomination or organization and claims exemption on such ground, except that the provisions of this code regarding compulsory reporting of communicable diseases and isolation and quarantine shall apply where there is probable cause to suspect that such person is infected with the disease in a communicable stage. Such person shall not be required to submit to any medical treatment, or to go to or be confined in a hospital or other medical institution; provided, he can be safely quarantined and/or isolated in his own home or other suitable place of his choice.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3287. The department may inspect and have access to all records of all institutions and clinics, both public and private, where tuberculosis patients are treated.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3288. The department may advise officers of state educational, correctional, and medical institutions regarding the control of tuberculosis and the care of tuberculosis patients.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3294. Each city, county, or group of counties may establish and maintain a tuberculosis ward, hospital, or sanatorium for the treatment of persons suffering from tuberculosis. Each city or county that establishes and maintains a tuberculosis ward, hospital, or sanatorium shall receive from the State the sum provided in Section 3300, and each county that participates jointly with one or more other counties in the establish-

ment and maintenance of a tuberculosis ward, hospital, or sanatorium shall receive from the State the sum specified in Section 3300, for persons suffering from tuberculosis, cared for therein at public expense, who are unable to pay for their support and who have no relatives legally liable and financially able to pay for their support; except that the city or county is not entitled to receive this state aid unless the tuberculosis ward, hospital, or sanatorium conforms to the regulations of and is approved by the state department.

The hospitals shall be allowed to receive pay patients.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3295. The state department shall lease any facilities it deems necessary to care for persons afflicted with active contagious tuberculosis who violate the quarantine or isolation orders of the health officer as provided in Section 3351 of the Health and Safety Code. The county referring such person for such care shall not be eligible to receive subsidy for such person under the provisions of this chapter, and the State shall deduct from the subsidy payments to be made to such county an amount computed at the rate of three dollars (\$3) for each patient-day the person is cared for in such facility.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3296. Whenever any person confined in any state institution, as provided in Section 3351 of this code, subject to the jurisdiction of the Director of Corrections, dies, and any personal funds or personal property of such person remains in the hands of the Director of Corrections, such funds may be applied in an amount not exceeding three hundred dollars (\$300) to the payment of expenses relating to burial; provided, however, that if no such funds are available, the State Department of Public Health shall reimburse the Director of Corrections for such expenses in an amount not exceeding three hundred dollars (\$300).

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3297. If the place of confinement of a person confined under the provisions of Section 3351 is in a county other than the county in which he was convicted, upon release he shall be released in the custody of the sheriff of the county in which he was convicted, and the sheriff shall forthwith return him to the place where he was convicted without the necessity of a court order or other process. The sheriff shall prior to the return of the person notify the health officer having jurisdiction of the area to which he will be returned of the date he will reach said area.

(Added by Stats. 1957, Ch. 205; amended by Stats. 1957, Ch. 1736.)

3298. Each city or county shall receive from the State the sum provided in Section 3300 of this code for each person suffering from tuberculosis, cared for at public expense in

private hospitals or sanatoriums under contract with the city or county or who is unable to pay for his support and who has no relative legally liable and financially able to pay for his support; except that the city or county is not entitled to receive this state aid unless the tuberculosis ward, hospital or sanatorium conforms to the regulations of and is approved by the state department.

The hospitals and sanatoriums shall be allowed to receive pay patients.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3299. The medical superintendent of each hospital for which state aid is received under this chapter shall render semiannually to the state department a report under oath showing, for the period covered by the report:

(a) The number of patients suffering from tuberculosis cared for at public expense, and unable to pay for care.

(b) The number of days of treatment of each such patient.

In the case of hospitals, wards, or sanatoriums operated jointly by two or more counties, the patients whose admission and care have been authorized by each county shall be reported separately.

With the consent of the respective cities, counties, or groups of counties, an exchange of patients may be arranged without expense to the county except for transportation when the exchange seems necessary or desirable to assist in the patients' recovery.

Counties may contract for the care and treatment of tuberculosis patients through their boards of supervisors, after consultation with the state department, with cities, counties, or groups of counties, who maintain a tuberculosis ward or hospital for the treatment of persons suffering from tuberculosis, which conforms to the regulations of, and is approved by, the state department, and may receive from the State the tuberculosis subsidy provided by Section 3300.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3300. The amount of the tuberculosis subsidy provided by the State to cities or counties separately providing care under this chapter for persons suffering from tuberculosis and the amount of the tuberculosis subsidy provided by the State to each county participating jointly with one or more other counties in the establishment and maintenance of a tuberculosis ward, hospital or sanatorium shall be based upon the patient-days of care provided to persons whose admission and care have been authorized by that county, as follows:

(a) For the first thirty-six thousand five hundred (36,500) patient-days of care during a year, the amount shall be two dollars and sixty cents (\$2.60) per patient-day.

(b) For the second thirty-six thousand five hundred (36,500) patient-days of care during a year, the amount shall be two dollars and thirty cents (\$2.30) per patient-day.

(c) For all patient-days of care in excess of seventy-three thousand (73,000) patient-days during a year, the amount shall be one dollar and seventy-five cents (\$1.75) per patient-day.

(d) In addition to the amounts specified in subsections (a), (b) and (c), there shall be provided any additional amounts specified in any appropriation made therefor.

As used in this section "patient-day" means the period of inpatient service rendered a patient between the census-taking hours on two consecutive days, and "a year" means a period of 12 months commencing on the first day of July.

(Amended by Stats. 1939, Ch. 1070, by Stats. 1945, Ch. 1447, and by Stats. 1947, Ch. 1000; repealed and added by Stats. 1957, Ch. 205; amended by Stats. 1959, Ch. 1579, and by Stats. 1961, Ch. 1243. In effect July 10, 1961. See note following Section 112.)

3300a. (Added by Stats. 1945, Ch. 601; amended and renumbered 3300.5 by Stats. 1947, Ch. 1000.)

3300.1. A city or county receiving contributions from or on behalf of any person for whom subsidy has been or is claimed under Section 3300 shall use the total amount of all such contributions as an offset from any state subventions for this purpose in the following manner:

The total number of patient-days for which subsidy is paid by the State in each fiscal year shall be reduced by the number resulting from division of the total amount of contributions received from or on behalf of tuberculosis patients during each fiscal year, by the per diem cost; such per diem cost to be determined in accordance with Section 1473; or by the contract cost with another public agency or private hospital. This method shall apply to the total of all contributions received by cities or counties on and after July 1, 1961.

(Added by Stats. 1961, Ch. 1243. In effect July 10, 1961. Amended by Stats. 1963, Ch. 278.)

3300.4. (Added by Stats. 1949, Ch. 1091; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

3300.45. (Added by Stats. 1953, Ch. 28; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

3300.46. (Added by Stats. 1953, Ch. 331; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

3300.5. (Formerly 3300a; added by Stats. 1945, Ch. 601; amended and renumbered by Stats. 1947, Ch. 1000; amended by Stats. 1953, Ch. 550; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

3301. It is the intention of the Legislature to adjust from time to time state participation in the care of persons suffering from tuberculosis in accordance with changes in the cost of caring for such patients.

(Amended by Stats. 1945, Ch. 1447, by Stats. 1947, Ch. 1000; repealed and added by Stats. 1957, Ch. 205. See note following Section 112.)

3301.5. (Added by Stats. 1947, Ch. 1000; amended by Stats. 1949, Ch. 1242, and by Stats. 1953, Ch. 1513; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

3301.6. (Added by Stats. 1947, Ch. 1000; amended by Stats. 1949, Ch. 1242, and by Stats. 1953, Ch. 1513; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

3301.7. (Added by Stats. 1953, Ch. 1513; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

3302. Each group of counties desiring to establish and maintain a tuberculosis ward or hospital for the treatment of persons suffering from tuberculosis shall appoint, by its board of supervisors, one supervisor as a delegate, who shall attend the general meetings of the delegates of each county in the group. The necessary expense incurred in attending such meetings is a county charge. The body thus formed shall be called the hospital central committee.

(Repealed and added by Stats. 1957, Ch. 205. See note following Section 112.)

3303. Each group of counties maintaining a tuberculosis hospital under this chapter may by unanimous agreement provide for a different number of delegates to the hospital central committee than the number provided for in this chapter and may provide for a method of deciding a tie vote of the hospital central committee.

(Repealed and added by Stats. 1957, Ch. 205. See note following Section 112.)

3304. The hospital central committee shall designate a county within the group maintaining the hospital as the place where the business of the hospital is to be transacted and where funds of the hospital are to be kept and deposited. All county officers selected for the business of the hospital shall render all necessary assistance required by the committee in keeping with the duties of their respective offices.

(Repealed and added by Stats. 1957, Ch. 205. See note following Section 112.)

3305. The delegates from each county may enter into an agreement with delegates from the other counties, on behalf of the county appointing them, binding the county to the joint enterprise and apportioning the cost of constructing, establishing, and maintaining the hospital. Money due from any county under the agreement may be collected by the hospital central committee or, on its behalf, by the board of supervisors of any county in the group, by action in the county in which the hospital is situated.

(Repealed and added by Stats. 1957, Ch. 205. See note following Section 112.)

3306. The hospital central committee may appoint a committee to supervise the construction of the hospital, approve the bills, and do the usual things required of a building committee.

The hospital central committee is the governing body of the hospital. It has the same powers and duties in regard to the hospital that a board of supervisors has over a county hospital. It shall adopt rules for its government, which shall include provisions for holding meetings and for the addition of other counties to the group. It may appoint such committees as are necessary, and shall prescribe their duties.

(Repealed and added by Stats. 1957, Ch. 205. See note following Section 112.)

3307. Any land required may be acquired or disposed of by the hospital central committee in such manner as may be determined by a three-fourths vote of its members, if all counties comprising a group shall have had notice of the intention to acquire or dispose of the land. Title to land may be held in the name of the entire group or in the name of any county composing the group, as trustee for the use and benefit of all, as may be determined by the hospital central committee.

(Repealed and added by Stats. 1957, Ch. 205. See note following Section 112.)

3308. Each county in the group shall pay its proportionate share to the hospital central committee of an amount designated by the committee to constitute a cash revolving fund to carry on the usual work and expense of the hospital. Each month a statement of the actual expenses of the hospital shall be sent to the board of supervisors of each county, together with a claim for the county's proportionate share of the expenses. Monthly claims shall be reduced to the extent of any remaining balance of a county's quarterly payments. The amounts when collected shall be paid into the cash revolving fund.

(Repealed and added by Stats. 1957, Ch. 205; amended by Stats. 1959, Ch. 1489. See note following Section 112.)

3309. The hospital central committee may determine and pass upon the right of admission to the hospital of applicants, subject to the limitations of this chapter.

(Repealed and added by Stats. 1957, Ch. 205. See note following Section 112.)

3310. Prior to the beginning of each quarter of the year an estimate of the amount required to operate the hospital for the subsequent quarter may be sent by the hospital central committee to the board of supervisors of each county, together with a claim for the county's proportionate share of the quarterly expenses of the hospital, and, upon approval of the board of supervisors, the county shall pay such claim.

(Added by Stats. 1959, Ch. 1489.)

3325. (Added by Stats. 1939, Ch. 919; repealed by Stats. 1947, Ch. 1000.)

3326. (Added by Stats. 1939, Ch. 919; repealed by Stats. 1947, Ch. 1000.)

3340. (Added by Stats. 1939, Ch. 919; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

3341. (Added by Stats. 1939, Ch. 919; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

3342. (Added by Stats. 1939, Ch. 919; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

CHAPTER 6. VIOLATIONS

(Chapter 6 added by Stats. 1957, Ch. 205. See note following Section 112)

3350. Any person who, after notice, violates, or who, upon the demand of any health officer, refuses or neglects to conform to, any rule, order, or regulation prescribed by the state department respecting a quarantine or disinfection of persons, animals, things, or places, is guilty of a misdemeanor.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3351. Any person who, after service upon him of an order of a health officer directing his isolation or examination as provided in Section 3285, violates or fails to comply with the same or any provision thereof, is guilty of a misdemeanor, and, upon conviction thereof, in addition to any and all other penalties which may be imposed by law upon such conviction, may be ordered by the court confined until such order of such health officer shall have been fully complied with or terminated by such health officer, but not exceeding six months from the date of passing judgment upon such conviction; further provided, that the court, upon suitable assurances that such order of such health officer will be complied with, may place any person convicted of a violation of such order of such health officer upon probation for a period not to exceed two years, upon condition that the said order of said health officer be fully complied with; and provided further, that upon any subsequent violation of such order of such health officer, such probation shall be terminated and confinement as herein provided ordered by the court.

(Added by Stats. 1957, Ch. 205; amended by Stats. 1961, Ch. 30. See note following Section 112.)

3352. Upon any subsequent conviction under the provisions of Section 3351, the court may order the person confined for a period not exceeding one year for such subsequent conviction, or such other penalty as provided by said section.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3353. Except in the case of the removal of an afflicted person in a manner the least dangerous to the public health, any person afflicted with any contagious, infectious, or communicable disease who wilfully exposes himself, and any person who wilfully exposes another person afflicted with such disease, is guilty of a misdemeanor.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3354. Any person who violates any section in Chapter 3 of this division, with the exception of Section 3111, is guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment for a term of not more than 90 days, or by both. He is guilty of a separate offense for each day that the violation continued.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3355. The district attorney of the county in which a violation of Sections 3285 and 3351 may be committed, shall prosecute all such violations and, upon the request of a health officer, shall prosecute, as provided in Section 3351, violations of any isolation or examination order of a health officer made and served as provided in Section 3285 or Section 3002.

(Added by Stats. 1957, Ch. 205; amended by Stats. 1961, Ch. 30. See note following Section 112. Amended by Stats. 1963, Ch. 278.)

3356. Every person who possesses any intoxicating liquor in or on any public hospital or sanatorium providing for the treatment of tuberculosis or within the boundaries of the grounds belonging thereto is guilty of a misdemeanor. The provisions of this section shall not prohibit (a) the possession of any intoxicating liquor used for medicinal purposes when issued pursuant to a written order of a physician licensed to practice medicine under the laws of the State of California, (b) the possession of any intoxicating liquor by personnel for his or her own use who resides at such hospital or sanatorium or on the grounds thereof, (c) the possession of any intoxicating liquor used by a minister of the gospel or priest or rabbi in a religious sacrament or ceremony or (d) the service of wine to a patient as part of the hospital's regular menu or bill of fare if the patient is located in a portion of the premises wholly separate and isolated from patients receiving treatment for tuberculosis.

(Added by Stats. 1963, Ch. 185.)

CHAPTER 7. IMMUNIZATION AGAINST POLIOMYELITIS

(Chapter 7 added by Stats. 1961, Ch. 837)

3380. No person may be unconditionally admitted as a pupil of a private elementary or secondary school or as a pupil of any school district unless prior to admission he has been immunized against poliomyelitis in the manner and with immunizing agents approved by the State Department of Public Health.

A person who presents evidence that he has received one such immunizing dose of poliomyelitis vaccine may be admitted on condition that within a period designated by regulation of the State Department of Public Health he presents evidence that he has been fully immunized against poliomyelitis.

A person who has not received any poliomyelitis vaccine may be admitted on condition that within two weeks of the date of his admission he shall present evidence that he has obtained his first such immunizing dose and shall thereafter within a period designated by regulation of the State Department of Public Health present evidence that he has been fully immunized against poliomyelitis.

This chapter does not apply to any person who is seeking admission to a public secondary school as an "adult" as that word is defined in Section 6352 of the Education Code nor to any person who is seeking admission to a private secondary school for enrollment in a course consisting of less than 10 hours of instruction a week who attains his 21st birthday prior to the first day of the semester or other period of instruction for which he is seeking enrollment.

(Added by Stats. 1961, Ch. 837; amended by Stats. 1962 (1st Ex. Sess.) Ch. 26.)

3381. Such immunization shall be evidenced by a written record made on a form prescribed by the department. A copy of the record shall be given to the parent or guardian of the child, or if the person receiving immunization is an adult, the copy shall be given to him.

(Added by Stats. 1961, Ch. 837.)

3382. The county health officer of each county shall organize and have in operation by January 1, 1962, an immunization program so that immunization is made available to all persons required by this chapter to be immunized. He shall also determine how the cost of such a program is to be recovered. To the extent that the cost to the county is in excess of that sum recovered from persons immunized, funds made available by the school districts may be used to pay the cost of the immunization of any persons seeking admission to the public schools. The remainder of the cost shall be paid by the county in the same manner as other expenses of the county are paid.

Immunization performed by a private physician shall be acceptable for admission to school if the immunization is performed and records are made in accordance with rules established by the State Department of Public Health.

(Added by Stats. 1961, Ch. 837.)

3383. The governing board of each school district and the governing authority of each private school shall co-operate with the county health officer in carrying out the program for immunization of persons applying for admission to any school under its jurisdiction. The governing board of any school district may use any funds, property, and personnel of the district for that purpose. The governing board of any school district and the governing authority of any private school may permit any person licensed as a physician and surgeon to administer immunization agents to the children and adults seeking admission to any school under its jurisdiction.

(Added by Stats. 1961, Ch. 837.)

3384. Immunization of a person shall not be required for admission to a public or private elementary or secondary school if the parent or guardian or responsible relative or adult who has assumed responsibility for his care and custody (in the case of a minor), or the person seeking admission (if an adult), files with the governing board of the school district or the governing authority of the private school, as the case may be, a letter or affidavit provided by the district or authority, stating that such immunization is contrary to his or her beliefs. However, whenever there is good cause to believe that a person is suffering from poliomyelitis, the person may be temporarily excluded from the school until the governing board of the school district or the governing authority of the private school is satisfied that the disease does not exist.

(Added by Stats. 1961, Ch. 837; amended by Stats. 1962 (1st Ex. Sess.) Ch. 26.)

3385. If the parent or guardian (in the case of a minor) or the person seeking admission (if an adult) files with the governing board of the school district or the governing authority of the private school a written statement by a licensed physician to the effect that the physical condition of the child or adult is such, or medical circumstances relating to the child or adult are such that immunization is not considered safe, indicating the specific nature and probable duration of the medical condition or circumstances which contraindicate immunization, such person shall be exempt from the requirements of this chapter to the extent indicated by the physician's statement.

(Added by Stats. 1961, Ch. 837.)

3386. The department shall adopt and enforce all rules and regulations necessary to carry out the provisions of this chapter.

(Added by Stats. 1961, Ch. 837.)

3387. In enacting this chapter, it is the intent of the Legislature to provide a means for the eventual achievement of total immunization against poliomyelitis. This chapter is intended to provide exemptions from immunization under specified conditions. It is also designed to provide for the keeping of adequate records of immunization so that appropriate public agencies and the persons immunized will be able to ascertain that a person is fully immunized or only partially immunized. It is also the intent of the Legislature that the persons required to be immunized by this chapter be allowed to obtain immunization from whatever medical source they so desire, subject only to the condition that the immunization be performed in accordance with the regulations of the State Department of Public Health and that a record of the immunization is made in accordance with such regulations.

(Added by Stats. 1962 (1st Ex. Sess.) Ch. 26.)

DIVISION 5. SANITATION

PART 1. SANITARY PROVISIONS

CHAPTER 1. COMMON DRINKING CUPS

3700. No person conducting, having charge of, or control of, any hotel, restaurant, saloon, soda fountain, store, theater, public hall, public or private school, church, hospital, club, office building, park, playground, lavatory or washroom, barber shop, railroad train, boat, or any other public place, building, room, or conveyance, shall provide or expose for common use, or permit to be so provided or exposed, or allow to be used in common, any cup, glass, or other receptacle used for drinking purposes.

3701. For the purposes of this chapter the term "common use" when applied to a drinking receptacle is defined as its use for drinking purposes by, or for, more than one person without its being thoroughly cleansed and sterilized between consecutive uses thereof by methods prescribed by or acceptable to the State Department of Public Health.

(Amended by Stats. 1957, Ch. 205.)

3702. No cask, water cooler, or other receptacle shall be used for storing or supplying drinking water to the public or to employees unless it is covered and protected so as to prevent persons from dipping the water therefrom or contaminating the water. All such containers shall be provided with a faucet or other suitable device for drawing the water.

(Amended by Stats. 1957, Ch. 205.)

3703. The State department and all health officers of counties, cities, and health districts shall enforce the provisions of this chapter.

3704. Violation of any provision of this chapter is a misdemeanor punishable by a fine not exceeding twenty-five dollars (\$25) for each offense.

CHAPTER 2. INFECTED PACKING MATERIALS

3750. For the purpose of this chapter the term "filthy, contaminated, or unsanitary packing material" includes any or all of the following:

(a) Packing material that has been exposed to contagious or infectious disease.

(b) Material that is contaminated with vermin.

(c) Material that is generally filthy.

(d) Filthy or used wood excelsior.

(e) Excelsior made from filthy or used paper.

3751. Unsanitary packing material shall not be used until it has been cleaned and disinfected to the satisfaction of the State Department of Agriculture, State Department of Public Health, or the agents of either or both, or by a county health officer.

3752. The person having such material cleaned and disinfected shall pay the costs of the inspection.

3753. Every person who knowingly packs any goods intended for delivery to other parties or for transportation by common carriers with unsanitary packing material is guilty of a misdemeanor.

CHAPTER 3. COMMON TOWELS

3800. No person conducting, operating, or having charge or control of, any hotel, restaurant, factory, store, barber shop, office building, school, public hall, railroad train, railway station, boat, or any other public place, room, or conveyance, shall maintain or keep in or about any such place any towel for common use.

3801. For the purpose of this chapter the term "common use" when applied to a towel means its use by, or for, more than one person without its being laundered between consecutive uses of such towel by methods prescribed by or acceptable to the State Department of Public Health.

(Amended by Stats. 1957, Ch. 205.)

3802. The State department and all health officers of counties, cities, and health districts shall enforce the provisions of this chapter.

3803. Violation of any provision of this chapter is a misdemeanor punishable by a fine not exceeding twenty-five dollars (\$25) for each offense.

CHAPTER 4. WIPING RAGS

Article 1. Use of Wiping Rags

3900. "Wiping rags," as used in this chapter means cloths and rags used for any or all of the following purposes:

(a) Wiping and cleaning the surfaces of machinery, machines, tools, locomotives, engines, motor cars, automobiles, cars, carriages, windows, furniture, and surfaces of articles, appliances, and engines in factories, shops, steamships, and steamboats.

(b) Generally for cleaning in industrial employment.

(c) Used by mechanics and workmen for wiping from their hands and bodies soil incident to their employment.

3901. No person shall supply or furnish to his employees for wiping rags, or sell or offer for sale for wiping rags, any soiled wearing apparel, underclothing, bedding, or parts of soiled or used underclothing, wearing apparel, bedclothes, bedding, or soiled rags or cloths unless they have been sterilized by methods prescribed by or acceptable to the State Department of Public Health.

(Amended by Stats. 1957, Ch. 205.)

3902. Every peace officer, health officer, or health inspector, upon proper demand and notice of his authority, may,

during business hours, enter any place where wiping rags are used, are kept for sale, or offered for sale, and inspect the wiping rags. No person shall refuse to permit the inspection, or impede or obstruct the officer during the inspection.

Article 2. Regulation of Wiping Rag Business

3950. Each county or city may regulate the business of laundering, sterilizing, or selling wiping rags by enacting ordinances prohibiting the laundering, sterilizing, and sale, and offering for sale, of wiping rags, or cloth material for wiping rags, without a permit issued by the board of supervisors of the county, or board of health or health officer of the city, and providing for the issuance of certificates of inspection of wiping rags offered for sale.

3951. The permit shall be granted as of course on a first application, and may be revoked by the board or officer authorized to issue it for a violation of this chapter or the applicable ordinance by the holder of the permit.

3952. The board, department, or officer authorized to issue permits to launder, sterilize, or sell wiping rags shall keep a record of revocation of permits and a register of:

(a) The names and places of business of persons to whom permits are issued.

(b) The date of issue and number of each permit.

3953. Before being sold or offered for sale, each package or parcel of wiping rags shall be plainly marked "sterilized wiping rags," and in addition it shall be plainly marked:

(a) With the number and date of permit given for the conducting of the laundry in which the rags contained in the package or parcel were laundered and sterilized, and the name of the board or officer issuing the permit; or

(b) With the name and location of the laundry in which the rags were laundered and sterilized.

3954. No machinery or appliances used for laundering clothing and articles for personal wear or household use shall be used for laundering soiled rags or soiled cloth material for wiping rags.

(Amended by Stats. 1957, Ch. 205.)

Article 3. Offenses

3960. Every person who violates any provision of this chapter is guilty of a misdemeanor.

CHAPTER 5. (Repealed by Stats. 1939, Ch. 114)

3975. (Repealed by Stats. 1939, Ch. 114.)

CHAPTER 6. ICE

(Chapter 6 repealed and added by Stats. 1953, Ch. 1431)

Article 1. Regulations and Definitions

(Article heading added by Stats. 1953, Ch. 1431)

4000. No person shall make ice from, or cut natural ice from, impure or polluted water. No person shall sell or offer for sale for human consumption or food preservation ice made or cut in violation of this chapter.

(Repealed and added by Stats. 1953, Ch. 1431.)

4001. Unless water from an approved municipal supply is used in the manufacture of ice, the manufacturer shall obtain a bacterial analysis by an approved laboratory of the water used, quarterly. The analysis shall be submitted to the state or local department of public health, indicating whether the water is pure and wholesome.

(Repealed and added by Stats. 1953, Ch. 1431; amended by Stats. 1957, Ch. 205.)

4002. All tanks or containers storing water for the manufacture of ice shall be provided with covers which exclude all contamination or pollution of external origin.

(Repealed and added by Stats. 1953, Ch. 1431; amended by Stats. 1957, Ch. 205.)

4003. (a) "Ice plant" means any place or structure, other than a private residence, where ice intended for human consumption, food preservation, or other uses, is manufactured.

(b) "Self-contained ice plant" means any place or structure, other than a private residence, wherein equipment is employed for the making of ice and ice cubes, or the shredding, grinding, or processing thereof, for human consumption.

(c) "Ice distributor" means any person transporting, selling, or distributing ice in any form to users or consumers.

(Repealed and added by Stats. 1953, Ch. 1431.)

4004. Any ice plant, self-contained ice plant, or distributor shall comply fully with the following provisions:

(a) A room in which ice is manufactured shall be used for no other purpose than the manufacture of ice and the production of refrigeration. Machinery and refrigeration equipment are excepted under this subdivision.

(b) A room in which ice is stored or processed shall be used for no other purpose during such period of storage or processing. Storage or processing rooms shall be maintained in a clean and sanitary condition and no noxious or offensive odors, smoking, or other air pollution shall be permitted.

(c) The floors, walls, and ceilings in a room where ice is manufactured, processed, or stored shall be maintained in a clean and sanitary condition.

(d) A room in which ice is manufactured, processed, or stored shall be adequately illuminated with natural or artificial lighting.

(e) The entire premises, including all equipment or parts thereof, shall be maintained in a clean and sanitary condition at all times, free from filth, refuse, vermin, insects or rodents.

(f) Cover tops for tank cans shall have a smooth, painted, or treated surface, and shall be cleaned daily. Water used for cleaning shall not be permitted to drip into freezing cans.

(g) Crushed, cubed, or shaved ice, intended for human consumption, shall be stored in a manner to prevent its pollution or contamination.

(h) Soil, waste, or drain pipes shall not be installed or maintained above any ice platform, loading space, ice container, ice storage room, dip tank, or any place where leakage from such pipes may drop into, or upon, any ice or upon any area or equipment used in the manufacture of ice, unless a proper safety shall be installed under such pipes properly drained to an open receptacle or drain to prevent pollution of ice, water, or equipment used in the manufacture of ice.

(i) Ice-loading platforms shall be washed with water as often as necessary to keep them in a clean and sanitary condition, but not less than once each day.

(j) Pullers and storage-room employees shall wear rubbers over shoes while on duty. Such rubbers shall be removed when the employee leaves the storage or tank room, except that if rubbers are not removed, they shall be cleaned and disinfected in a suitable solution before re-entering the storage or tank room. The use of street shoes without rubbers in these areas is prohibited.

(k) All persons handling ice shall wear clean clothing at all times. No person shall expectorate or smoke in any room where ice is manufactured, stored, or processed.

(l) Ice shall be handled only with tongs, ice-carrying bags, scoops, or other sanitary containers, and not with the hands.

(Repealed and added by Stats. 1953, Ch. 1431.)

4005. Ice shall be considered a food subject to the provisions of Article 1 of Chapter 7 of Division 21, in addition to the provisions of this chapter.

(Repealed and added by Stats. 1953, Ch. 1431.)

4006. Any truck, vehicle or other equipment used for delivery, distributing, or selling ice, shall comply with the following provisions:

(a) It shall be constructed and maintained to provide adequate and reasonable protection to the ice transported therein. Care shall be taken to prevent its contact with filth or other refuse, and to prevent its contamination by animal or vegetable matter, noxious oils, acids, or other offensive substances.

(b) The interior shall be thoroughly cleaned daily.

(c) Fabric bags used for handling cube and crushed ice shall be thoroughly washed before filling. In lieu of fabric bags, wet-strength nonreturnable paper bags or any other container made from a material complying with standard sanitary handling may be used as a package for the delivery of ice.

(d) Cubed or crushed ice packaged in fabric or paper bags, or other containers, shall not be stacked on top of one another, unless each bag, or other container, has an adequate cover for protection.

(e) All cubed, crushed, or shaved ice shall be kept in clean receptacles or containers which shall be kept covered while the vehicle is in motion. The grinding, shaving, cubing, or processing of ice, on streets, alleys, highways, or sidewalks, is prohibited.

(Added by Stats. 1953, Ch. 1431.)

Article 2. Enforcement

4008. (a) The provisions of this chapter shall be enforced by the State Department of Public Health, or any local public health department.

(b) Any health officer or inspector, upon demand and notice of his authority, may, during reasonable hours, enter and inspect the ice, equipment, premises, sources of supply, and places of storage used by any person for storing or selling ice intended for human consumption or the preservation of food.

(Added by Stats. 1953, Ch. 1431.)

4009. Any person who violates any provision of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment in a county jail for not exceeding six months, or by both such fine and imprisonment.

(Added by Stats. 1953, Ch. 1431.)

4009.5. This chapter shall not apply to a public eating place or to the icing of trucks, railroad cars and boats.

(Added by Stats. 1953, Ch. 1431.)

CHAPTER 7. WATER AND WATER SYSTEMS

(Chapter 7 added by Stats. 1947, Ch. 992)

Article 1. Permits

4010. "Person," as used in this chapter, includes any public utility, municipality, or other public body or institution.

"User," as used in this chapter, shall be defined to include any individual, corporation or association of individuals using water for domestic purposes, except that "user" shall not be defined to include any individual, corporation, or association of individuals processing water or selling, serving, furnishing, or supplying water to the public in any manner.

"Furnish or supply," as used in this chapter, is used in its normal and natural meaning, except that "furnish or supply" shall not be defined to include furnishing or supplying water to a user in a rural area for domestic purposes where the user receives the water, by pipe or otherwise, directly from an open irrigation canal system, but subject to foregoing, "furnish or supply" shall be defined to include furnishing or supply-

ing water to two or more places of human habitation where said places are connected by an integrated pipe system owned and operated by the supplier.

(Added by Stats. 1947, Ch. 992; amended by Stats. 1949, Ch. 1116.)

4010.5. "Water Works Standards," as used in this chapter, means the "Standards of Minimum Requirements for Safe Practice in the Production and Delivery of Water for Domestic Use" adopted by the California Section of the American Water Works Association on October 29, 1948. The board shall publish the Water Works Standards and make a copy thereof available upon request without charge to any person holding a permit under this chapter.

(Added by Stats. 1949, Ch. 949.)

4011. No person shall furnish or supply water to a user for domestic purposes from any source of water supply, unless he first files a petition for permission so to do with the board and receives a permit as provided in this chapter.

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174, and by Stats. 1949, Ch. 1116.)

4011.5. No person shall modify, add to or change his source of supply or method of treatment of water for domestic purposes as authorized by a valid existing permit issued to him by said board unless he first files a petition so to do with said board and receives an amended permit as provided in this chapter authorizing such modification, addition or change in his source of supply or method of treatment as may be specified in such amended permit, or unless such modifications, additions, or changes in the source of supply or method of treatment comply in all particulars with such of the mandatory requirements of the Water Works Standards as pertain to the quality of water supplied to consumers. Petitions for amended permits shall be made in accordance with the provisions of this chapter for the making of a petition for a permit as herein defined and shall be investigated, considered, determined and issued or denied upon the same terms and conditions as herein provided for the granting, issuing or denial of a permit as provided in this chapter.

(Added by Stats. 1947, Ch. 1174; amended by Stats. 1949, Ch. 949.)

4011.6. No person shall modify, add to or change his distribution system for water for domestic purposes as authorized by a valid existing permit issued to him by said board unless he first files a petition so to do with said board and receives an amended permit as provided in this chapter authorizing such modification, addition or change in his distribution system as may be specified in such amended permit, or unless such modifications, additions or changes in said distribution system comply in all particulars with such of the mandatory requirements of the Water Works Standards as pertain to the quality of water supplied to consumers. Petitions for amended permits shall be made in accordance with the provisions of this chapter

for the making of a petition for a permit as herein defined and shall be investigated, considered, determined and issued or denied upon the same terms and conditions as herein provided for the granting, issuing or denial of a permit as provided in this chapter.

(Added by Stats. 1947, Ch. 1174; amended by Stats. 1949, Ch. 949.)

4012. With the petition shall be filed a complete set of plans and specifications, together with a statement containing a general description and history of the existing or proposed plant, works, or system or proposed changes therein, and showing the geographical location thereof with relation to the source of the water supply and all the sanitary and health conditions surrounding and affecting such supply and the plant, works, or system.

(Added by Stats. 1947, Ch. 992.)

4013. The plans, specifications, and statement shall be in such form and cover such matters as the board prescribes.

(Added by Stats. 1947, Ch. 992.)

4014. Upon receipt of a petition filed pursuant to this chapter the board shall make a thorough investigation of the proposed or existing plant, works, system, or water supply, and all other circumstances and conditions which it deems material.

The board may for good cause grant a temporary permit to any person who has filed a petition for a permit as provided in this chapter upon such terms as it shall determine are in the public interest pending the completion of the investigation required by this section of the proposed or existing plant, works, system or water supply which temporary permit shall terminate upon the date therein specified. Said temporary permit may be revoked or suspended as provided in this code with respect to the revocation or suspension of a permit as provided in this chapter.

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174.)

4015. As a part of the investigation, and after 10 days' notice by mail to the petitioner, a hearing may be had before the board or an examiner appointed by it. At the hearing all testimony shall be given under oath, and evidence, oral and documentary, may be received, a record of which shall be made and filed with the board.

(Added by Stats. 1947, Ch. 992.)

4016. If, upon the completion of the investigation, the board determines, as a fact, that the water furnished or supplied, or proposed to be supplied is such that under all the circumstances and conditions it is impure, unwholesome, or unpotable, or may constitute a menace or danger to the health or lives of human beings, or the existing or proposed plant, works, system, or water supply, or proposed modifications, are unhealthful or insanitary, or not suited to the production and delivery of healthful, pure, and wholesome water at all times, it shall deny the petition and order the petitioner to make such

changes as it deems necessary to secure a continuous supply of pure, wholesome, potable, and healthful water.

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174.)

4017. (Added by Stats. 1947, Ch. 992; repealed by Stats. 1947, Ch. 1174.)

4018. The board may order such repairs, alterations, or additions to the existing plant, works, or system as to insure that the water furnished or supplied shall at all times be pure, wholesome, and potable and without danger to the lives or health of human beings.

(Added by Stats. 1947, Ch. 992.)

4019. The board may order such changes in the source of the water supply or in the installation of purification and refining works and such other measures as shall insure a continuous supply of pure, wholesome, and potable water without danger to the lives or health of human beings.

(Added by Stats. 1947, Ch. 992.)

4020. Any order requiring changes shall designate the period within which the changes are to be made.

A temporary permit may be issued by the board for the period fixed to permit the petitioner to comply with the order.

(Added by Stats. 1947, Ch. 992.)

4021. If the board determines that the water being furnished or supplied is such that under all the circumstances and conditions it is pure, wholesome, and potable and does not endanger the lives or health of human beings, it shall grant a permit authorizing the petitioner to furnish or continue to furnish or supply the water.

(Added by Stats. 1947, Ch. 992.)

4022. Any permit issued may be revoked or suspended by the board at any time if it determines that the water being supplied or furnished by the permittee is or may become impure, unwholesome, or unpotable or endangers or will endanger the lives or health of human beings.

(Added by Stats. 1947, Ch. 992.)

4023. The holder of a permit may at any time by order of the board and upon demand be required to furnish to the board a complete report on the condition and operation of the plant, works, system, or water supply owned, operated, or controlled by him. The report shall be made by some competent person at the sole cost and expense of the holder of the permit.

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174.)

4024. No permit is required of any person supplying water for domestic purposes on his own private property upon which there is no industrial camp, hotel, or temporary or permanent resort using the water.

(Added by Stats. 1947, Ch. 992; amended by Stats. 1949, Ch. 1550.)

4025. The board, or any member of the department designated by the board to act in its behalf, or any local health officer

may issue a permit for any water system supplying less than two hundred service connections or for any system supplying an industrial camp, hotel, or temporary or permanent resort.

(Added by Stats. 1949, Ch. 1550.)

Article 2. Violations

4030. The board and its inspectors may at any and all reasonable times enter any and all places, property, enclosures, and structures for the purpose of making examinations and investigations to determine whether any provision of this chapter is being violated.

(Added by Stats. 1947, Ch. 992.)

4031. It is unlawful for any person to furnish or supply to a user water used or intended to be used for human consumption or for domestic purposes which is impure, unwholesome, unpotable, polluted, or dangerous to health.

(Added by Stats. 1947, Ch. 992; amended by Stats. 1949, Ch. 1116.)

4032. Every person who knowingly violates or knowingly fails to comply with any of the provisions of this chapter, or of any order of the board issued pursuant to this chapter, or who procures, aids, or abets in any such violation or failure, is guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding one year, or by both.

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174.)

4033. The continued existence of any violation of this chapter, or of any order of the board issued pursuant to this chapter, beyond the time stipulated for compliance with its provisions, constitutes a separate and distinct offense.

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174.)

4034. Anything done, maintained, or suffered in violation of any of the provisions of this chapter is a public nuisance dangerous to health, and may be enjoined or summarily abated in the manner provided by law. Every public officer or body lawfully empowered so to do shall abate the nuisance immediately.

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174.)

4035. Any person who furnishes or supplies to a user water used or intended to be used for human consumption or for domestic purposes, without having an unrevoked permit so to do, may be enjoined from so doing by any court of competent jurisdiction at the suit of the board.

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174, and by Stats. 1949, Ch. 1116.)

4036. (Added by Stats. 1947, Ch. 992; repealed by Stats. 1947, Ch. 1174.)

4038. (Added by Stats. 1947, Ch. 992; repealed by Stats. 1947, Ch. 1174.)

CHAPTER 8. RECREATIONAL USE OF WATER SUPPLY RESERVOIRS

(Chapter 8 added by Stats. 1957, Ch. 2412)

4050. It is hereby declared to be the policy of this State that multiple use should be made of all public water within the State, to the extent that such multiple use is consistent with public health and public safety. "Multiple use," as used in this section, includes domestic, industrial, agricultural, and recreational uses.

As used in this chapter "recreational uses" shall not, with respect to a reservoir in which water is stored for domestic use, include recreation in which there is bodily contact with the water by any participant.

(Added by Stats. 1957, Ch. 2412.)

4051. All water supply reservoirs of a public agency, whether heretofore or hereafter constructed, shall be open for recreational use by the people of this State, subject to the regulations of the State Department of Public Health.

(Added by Stats. 1957, Ch. 2412.)

4052. The term "reservoir" does not include ditches, canals or any similar type of water distributing facility.

(Added by Stats. 1957, Ch. 2412.)

4053. "Public agency" as used in this chapter means the State or any city other than a chartered city, county, public district or other public institution.

(Added by Stats. 1957, Ch. 2412.)

4054. The public agency operating any water supply reservoir which is open for recreational use pursuant to this chapter may charge a use fee to cover the cost of policing the area around such reservoir, including the cost of providing the necessary sanitary facilities and other costs incidental to the recreational use of such reservoir.

(Added by Stats. 1957, Ch. 2412.)

4055. This chapter does not apply to terminal reservoirs for the supply of domestic water.

(Added by Stats. 1957, Ch. 2412.)

PART 2. GARBAGE AND REFUSE DISPOSAL

CHAPTER 1. GARBAGE DISPOSAL DISTRICTS

Article 1. Definitions

4100. "District," as used in this chapter, means a district formed pursuant to this chapter or pursuant to any law which it supersedes.

Article 2. Formation

4105. Any portion or portions of a county, whether contiguous or noncontiguous, and whether the portion or portions include incorporated or unincorporated territory, may be

formed into a garbage disposal district in the manner and under the proceedings in this chapter set forth; except that less than the whole of any city shall not be included in the district without unanimous consent of the governing body of the city; and except that no parcel of noncontiguous territory which is less than a full subdivision and which in no case contains less than 10 privately owned acres may be included in any district.

(Amended by Stats. 1947, Ch. 1047.)

4106. The board of supervisors may determine by resolution that a portion of the county is in need of facilities for the disposal of garbage and should be formed into a district.

Thereupon the board of supervisors shall fix a time and a place for a hearing on the matter of the formation of the district, which time shall be not less than three weeks after the adoption of the resolution, and shall direct the clerk of the board to publish a notice once a week for three successive weeks in a newspaper circulated in the territory which it is proposed to organize into a district, and which the board deems most likely to give notice to the inhabitants of the territory.

4107. The notice shall state the fact that the board of supervisors of the county has fixed the time and place, which shall be stated in the notice, for a hearing on the matter of the formation of a garbage disposal district.

4108. The notice shall describe the territory or shall specify the exterior boundaries of the territory proposed to be organized into a district. So far as practicable the boundaries shall be the center lines of highways.

4109. At any time prior to the time fixed for a hearing of the matter, any person interested may file with the clerk of the board written objections to the formation of the district. At the time and place fixed for the hearing or at any time to which the hearing may be continued, the board of supervisors shall consider and pass on all objections to the creation of the district, or to the inclusion of any territory in the district. At the hearing, the board of supervisors may exclude any territory that in the opinion of the board would not be benefited by inclusion in the district.

4110. At the conclusion of the hearing, the board of supervisors shall either adopt an order abandoning the creation of the proposed district or shall by resolution order the matter of the creation of the district, within the boundary lines determined upon at the hearing, to be submitted to the voters registered in the proposed district at an election to be called for that purpose. At the election only voters registered in the proposed district shall be permitted to vote.

4111. Election precincts shall be established by the board, and election boards composed of one inspector, one judge, and one clerk shall be named. At least one week prior to the election, notice of the election shall be given by publication

in a newspaper of general circulation in the proposed district. In other matters the election shall be conducted in the manner ordered by the board of supervisors.

4112. If at the election a majority of all those voting upon the question of creation of the district, and a majority of those voting thereon in each city is in favor of the formation of the district, the board of supervisors shall make an order forming the district and thereupon it is formed. The order shall contain the name of the district, and a description of the boundaries, or otherwise indicate its territorial extent. The order is conclusive evidence of the regularity of all prior proceedings, except the adoption and publication in full of the resolution of intention, and of the fact of the holding of the hearing on formation.

4113. A district may be formed for the exclusive purpose of providing, maintaining and operating a garbage and refuse disposal site. In forming such a district the determination of the board of supervisors required by Section 4106 shall be that such is the exclusive purpose of the district. In all other matters such a district shall be formed in the same manner as other districts under this chapter. On formation the district shall have only such powers granted to districts by this chapter as are reasonably necessary to carry out such exclusive purpose.

A district formed for the exclusive purpose of providing, maintaining and operating a garbage and refuse disposal site may issue bonds and levy taxes therefor in the same manner as provided for bonds of garbage and refuse disposal districts pursuant to Article 6 (commencing with Section 4186) of Chapter 1.5, Part 2, Division 9 of this code, and may issue revenue bonds pursuant to the Revenue Bond Law of 1941.

(Added by Stats. 1961, Ch. 445.)

Article 3. Administration and Powers

4120. The board of supervisors is the governing body of the district and may do any or all of the following:

(a) Make and enforce all rules and regulations necessary for the administration and government of the district, and for the collection and disposal of garbage and other refuse matter in the district.

(b) Appoint agents and employees for the district sufficient to maintain and operate the property acquired for the purposes of the district.

(c) Acquire by gift, purchase, condemnation, or otherwise, in the name of the county, and own, control, manage, and dispose of any interest in real or personal property, or, necessary or convenient for the collection and disposal of the garbage or other refuse matter of the district.

(d) Perform all of the acts necessary or proper to accomplish the purposes of this chapter.

4121. The board of supervisors may enter into contracts for the disposal of garbage and other refuse matter. Whenever the board enters into, or renews such a contract, it shall

advertise for bids for the performance of the work in a newspaper of general circulation in the county. The advertisement shall be published pursuant to Section 6062 of the Government Code. If there is no newspaper of general circulation published in the county, then the notice shall be given by posting in three public places for at least two weeks.

All bidders shall be afforded opportunity to ascertain the details of the nature of the work to be done under the contract. The contract shall be let to the lowest responsible bidder. If no satisfactory bid is obtained the board may reject all bids. If all bids are rejected the board of supervisors may re-advertise for bids or, without the necessity of readvertising, may enter into contracts for the disposal of garbage and other refuse for a term not to exceed six months on such terms as are necessary or proper in the exercise of the district's powers.

(Amended by Stats. 1953, Ch. 689, by Stats. 1957, Ch. 357, and by Stats. 1959, Ch. 598.)

4121.1. In the event of an emergency occasioned by default of a contractor or other circumstances which would be detrimental to the public health, safety or welfare of the inhabitants of the district, the board of supervisors may, without the necessity of advertising for bids, enter into contracts for the disposal of garbage and other refuse for a term not to exceed six months on such terms as are necessary or proper, in the exercise of the districts' power.

(Added by Stats. 1959, Ch. 503.)

4122. The title of all property which is acquired for a district vests in the county. Whenever all of the territory in the district is annexed or otherwise included in any one city, the district shall continue in existence until the legislative body of the city adopts and files with the governing body of the district a certified copy of a resolution requesting the dissolution of the district. Upon the filing of the resolution with the governing board of the district the district is dissolved and the property becomes the property of the city. All money in the county treasury to the credit of the district shall upon the annexation or inclusion of the district be forthwith transferred to the treasury of the city and be used only for the purpose for which it was available prior to the transfer.

(Amended by Stats. 1957, Ch. 1407. In effect July 5, 1957.)

Article 4. Taxation

4127. The board of supervisors shall levy a tax each year upon the taxable property in the district sufficient to defray the cost of the disposal of garbage and other refuse in the district, and of the maintenance of the district, and to meet such other expenditures as are authorized by this chapter. The tax shall be levied and collected at the same time and in the same manner as general county taxes levied for county purposes and when collected shall be paid into the county treasury and shall be used in furtherance of the purposes of this chapter.

Article 4.5. Claims

(Article 4.5 added by Stats. 1959, Ch. 1727)

4130. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727; amended by Stats. 1963, Ch. 1715. See note following Section 954.)

Article 5. Annexation

4135. The boundaries of any district may be altered, and outlying districts or territory, whether incorporated or unincorporated, and whether contiguous or noncontiguous, may be annexed as provided in this article; provided, however, that no parcel of noncontiguous territory which contains less than 10 privately owned acres may be annexed to any district.

(Amended by Stats. 1947, Ch. 1047.)

4136. The board may by resolution fix a time and place for a hearing upon the question of the annexation of territory to a district. The resolution shall describe the boundaries of the territory proposed to be annexed. The date set for the hearing on the proposed annexation shall be at least three weeks after the date of the adoption of the resolution setting the hearing.

(Amended by Stats. 1947, Ch. 1047; repealed and added by Stats. 1949, Ch. 359.)

4137. The board shall cause notices of the hearing to be posted in at least three conspicuous places in the territory proposed to be annexed and in at least three conspicuous places in the district.

(Repealed and added by Stats. 1949, Ch. 359.)

4138. The notices shall be headed "notice of hearing" in letters not less than one inch in height and shall contain a description of the territory proposed to be annexed and a statement of the time and place of the hearing. In lieu of the description the boundaries of territory proposed to be annexed may be shown by means of a diagram printed upon the notice. The notices shall be posted not less than ten days prior to the date set for the hearing. In addition to the notices the board shall direct its clerk to publish a notice once a week for two successive weeks in the newspaper of general circulation circulated in the district and in the territory proposed to be annexed that the board deems most likely to give notice of the hearing to the inhabitants of each.

(Amended by Stats. 1947, Ch. 1047; repealed and added by Stats. 1949, Ch. 359.)

4139. At the time fixed for the hearing or at any time to which it is continued the board shall hear and pass upon the proposal and any objections that may be filed to the inclusion of any property in the proposed annexation.

The board may, by order entered upon its minutes, determine that the territory proposed to be annexed or any part will be benefited by annexation and may order that the boundaries of the district be altered to include that territory.

Less than the whole of any city shall not be annexed to the district except by unanimous consent of the governing body of the city.

(Amended by Stats. 1947, Ch. 1047; repealed and added by Stats. 1949, Ch. 359.)

Article 6. Withdrawal of Territory

4143. Any portion of a district that will not be benefited by remaining in the district may be withdrawn therefrom as provided in this article.

Any portion of a district annexed to or otherwise included in a city shall have a right to withdraw from the district and shall be withdrawn from the district upon there being filed with the board of supervisors a request by the legislative body of the city in which such portion of the district is included that such withdrawal be effected.

(Amended by Stats. 1957, Ch. 1407. In effect July 5, 1957.)

4144. Upon receiving a petition signed by 50 or more freeholders in the portion desired to be withdrawn from any district, or by a majority of the freeholders, if there are less than 100 freeholders in the portion sought to be withdrawn, requesting the withdrawal of that portion from the district on the ground that it will not be benefited by remaining in the district, the board of supervisors shall fix for the hearing of the petition and for hearing protests to the continuance of the remaining territory as a garbage disposal district a time that shall not be less than 10 days, nor more than 30 days after the receipt of the petition.

4144.1. As an alternative to the procedure outlined in Section 4144, the governing board of a garbage disposal district may by resolution entered in its minutes fix a time and place for hearing on the question of the exclusion of any portion of a garbage disposal district which will not be benefited by remaining within the district. The time fixed for said hearing shall not be less than 10 nor more than 30 days after passage of the resolution.

(Added by Stats. 1955, Ch. 1470.)

4145. The board of supervisors shall, at least a week prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper circulated in the district that the board deems most likely to give notice to the inhabitants of the portion of the district proposed for withdrawal.

4146. Any person interested may appear at the hearing and object to the withdrawal of the portion from the district or may object to the continuance of the remaining territory as a district, and the board of supervisors shall consider all objections and shall pass upon them. If it finds that the portion

of the district sought to be withdrawn will not be benefited by remaining in the district and that the territory not sought to be withdrawn will be benefited by continuing as a garbage disposal district, then it shall by resolution declare the district re-established excluding therefrom the territory found not benefited by remaining in the district.

(Amended by Stats. 1955, Ch. 1470.)

4147. Upon the withdrawal of any territory from a district, as in this chapter provided, all property acquired for the district shall remain vested in the county and be used for the purposes of the district; except, when the territory being withdrawn or sought to be withdrawn from the district includes any territory within a city. All property acquired for the district and all unencumbered funds on the date of withdrawal including all taxes levied and collected by the district in any year in which taxes are levied and collected by the district after the date of withdrawal on property withdrawn from the district shall be divided between the city and the remaining district in proportion to the assessed value of the real property of the territory so withdrawn and the portion remaining. The unencumbered funds shall be deemed to be the sum of money, uncollected taxes, and other uncollected accounts belonging to or due such district, in excess of an amount sufficient to pay all claims and accounts against the district.

In the event there is a withdrawal of territory from a district by reason of portions of such district having been included within more than one city each city shall be entitled hereunder to the assets of the district, as set forth herein, in the same proportion that the assessed value of that portion of the district within the city bore to the assessed value of the entire district prior to the withdrawal.

(Amended by Stats. 1957, Ch. 1407.)

Article 7. Dissolution

4160. A district may be dissolved by the board of supervisors as provided in this article.

4161. Upon receiving a petition signed by 50 or more freeholders and residents of the district, or by a majority of the freeholders and residents if there are less than 100 freeholders and residents in the district, requesting the dissolution of the district, the board of supervisors shall fix a time for the hearing of the petition, which shall not be less than 10 nor more than 30 days after the receipt of the petition, and shall, at least a week prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper circulated in the district.

4162. At the time appointed for the hearing or at any time to which it may be continued, the board of supervisors shall hear and pass upon the petition and may grant or deny it, and its decision thereon is final and conclusive.

4163. If the petition is granted, the board of supervisors shall by resolution order the dissolution of the district and

the district is then dissolved, and the property of the district remains the property of the county. Any money remaining in the fund of the district shall be expended in the maintenance and repair of the highways in the district whether such highways at the time of dissolution are in incorporated territory or in unincorporated territory.

Article 8. Consolidation

(Article 8 added by Stats. 1955, Ch. 1470)

4165. At any time after the establishment of two or more districts in any county, the board may determine that any two or more of the districts, whether or not they are contiguous, should be consolidated.

(Added by Stats. 1955, Ch. 1470.)

4165.1. The board shall fix a time and place for hearing the matter of consolidation of the districts and shall direct its clerk to publish a notice pursuant to Section 6066 of the Government Code in a newspaper or newspapers circulated in each of the districts which it proposes to consolidate, and which the board deems most likely to give notice to the inhabitants of the districts.

(Added by Stats. 1955, Ch. 1470; amended by Stats. 1957, Ch. 357.)

4165.2. The notice shall be headed "Notice of the proposed consolidation of _____ Garbage Disposal District and _____ Garbage Disposal District," stating the names of the districts proposed to be consolidated, and shall contain a statement of the time and place fixed by the board for hearing the matter.

(Added by Stats. 1955, Ch. 1470.)

4165.3. The notice shall state that it is proposed to consolidate into one district all of the territory within the named districts.

(Added by Stats. 1955, Ch. 1470.)

4165.4. At the time and place fixed for hearing or at any time to which the hearing may be continued, the board shall hear any person objecting to the consolidation.

(Added by Stats. 1955, Ch. 1470.)

4165.5. At the conclusion of the hearing the board may refuse to consolidate any of the districts or it may order the consolidation of any or all of the districts proposed to be consolidated.

(Added by Stats. 1955, Ch. 1470.)

4165.6. If the board determines to consolidate any of the districts it shall so declare by resolution stating the name by which the consolidated district shall be known.

(Added by Stats. 1955, Ch. 1470.)

4165.7. The district resulting from the consolidation of two or more districts shall become liable for all outstanding liabilities of the districts consolidated.

(Added by Stats. 1955, Ch. 1470.)

CHAPTER 1.5. GARBAGE AND REFUSE DISPOSAL DISTRICTS
(Chapter 1.5 added by Stats. 1951, Ch. 964)

Article 1. Definitions

(Article 1 added by Stats. 1951, Ch. 964)

4170. "District," as used in this chapter, means a district formed pursuant to this chapter or pursuant to any law which it supersedes.

(Added by Stats. 1951, Ch. 964.)

Article 2. Formation

(Article 2 added by Stats. 1951, Ch. 964)

4171. Any contiguous portion or portions of a county whether the portion or portions include incorporated or unincorporated territory, may be formed into a garbage and refuse disposal district in the manner and under the proceedings in this chapter set forth; except that no city or any portion thereof shall be included in the district without the consent of the governing body of the city, such consent being adopted by a favorable vote of two-thirds or more of its members.

(Added by Stats. 1951, Ch. 964.)

4172. The board of supervisors may determine by resolution that a portion of the county is in need of a site for the disposal of garbage and refuse and should be formed into a district.

Thereupon the board of supervisors shall fix a time and a place for a hearing on the matter of the formation of the district, which time shall be not less than three weeks after the adoption of the resolution, and shall direct the clerk of the board to publish a notice once a week for three successive weeks in a newspaper circulated in the territory which it is proposed to organize into a district, and which the board deems most likely to give notice to the inhabitants of the territory.

(Added by Stats. 1951, Ch. 964.)

4173. The notice shall state the fact that the board of supervisors of the county has fixed the time and place, which shall be stated in the notice, for a hearing on the matter of the formation of a garbage and refuse disposal district.

(Added by Stats. 1951, Ch. 964.)

4174. The notice shall describe the territory or shall specify the exterior boundaries of the territory proposed to be organized into a district.

(Added by Stats. 1951, Ch. 964.)

4175. At any time prior to the time fixed for a hearing of the matter, any person interested may file with the clerk of the board written objections to the formation of the district. At the time and place fixed for the hearing or at any time to which the hearing may be continued, the board of supervisors shall consider and pass on all objections to the creation of the district, or

to the inclusion of any territory in the district. At the hearing, the board of supervisors may exclude any territory that in the opinion of the board would not be benefited by inclusion in the district.

(Added by Stats. 1951, Ch. 964.)

4176. On the final hearing the board of supervisors shall make such changes in the proposed boundaries as are advisable, and shall define and establish the boundaries.

(Added by Stats. 1951, Ch. 964.)

4177. If, from the testimony given before the board of supervisors, it appears to that board that the public necessity or welfare requires the formation of the district, it shall, by an order entered on its minutes, declare that to be its finding, and shall further declare and order that the territory within the boundaries so fixed and determined be organized as a district, under an appropriate name to be selected by the board of supervisors. The name shall contain the words "garbage and refuse disposal district."

(Added by Stats. 1951, Ch. 964.)

4178. The county clerk shall immediately file for record in the office of the county recorder of the county in which the land embraced in the district is situated, and also shall file with the Secretary of State, a certified copy of the order of the board of supervisors. From and after the date of the filing of the certified copy with the Secretary of State, the district named therein is organized as a district, with all the rights, privileges, and powers set forth in this chapter, or necessarily incident thereto.

(Added by Stats. 1951, Ch. 964; amended by Stats. 1957, Ch. 46.)

4178.5. No district shall be formed under this chapter after October 1, 1961.

(Added by Stats. 1961, Ch. 445.)

Article 3. Board of Directors

(Article 3 added by Stats. 1951, Ch. 964)

4179. Within 30 days after the filing with the Secretary of State of the certified copy of the order of formation, a governing board of trustees for the district shall be appointed. The governing board of a district is a board of directors of not less than three members. The district board shall be appointed as follows:

(a) If the district includes only one incorporated city two members of the governing body shall be selected by the board of supervisors and one member of the governing body shall be selected by the city council;

(b) If the district includes two or more cities only one member of the governing body of the district shall be selected by the board of supervisors to represent the unincorporated area. The legislative body of each city within the district shall appoint one member to represent each incorporated city within the

district. In the event that the selection of members pursuant to this subdivision results in the governing body having an even number of members, those members may appoint an additional member from the district at large.

A vacancy shall be filled in the same manner as an original appointment. The person appointed shall reside within the area he represents.

(Added by Stats. 1951, Ch. 964.)

4179.1. Any governing body authorized by Section 4179 to appoint a member or members of the board of directors for the district may make any such appointment or appointments from its own members.

(Added by Stats. 1961, Ch. 929.)

4179.2. The members of the district board in office at the time that this section becomes effective shall as soon as practicable thereafter so classify themselves, by lot, that a majority of the members of the district board shall serve until January 1st of the first odd-numbered year after the year in which this section becomes effective, and a minority of the members of the district board shall serve until January 1st of the second odd-numbered year after the year in which this section becomes effective, or until the appointment of their successors or their resignation or termination of residence within the area they represent. Thereafter, the term of office of each succeeding member of the district board shall be four years and each shall hold office until the appointment of his successor or his resignation or termination of residence within the area he represents.

(Added by Stats. 1961, Ch. 929.)

Article 4. Powers and Duties

(Article 4 added by Stats. 1951, Ch. 964)

4180. The governing body of the district may do any or all of the following:

(a) Make and enforce all rules and regulations necessary for the administration and government of the district and for the operation and maintenance of the garbage and refuse disposal site acquired by the district;

(b) Appoint agents, employees, and experts for the district sufficient to maintain and operate the property acquired for the purposes of the district;

(c) Enter into such contracts with other public agencies as may be necessary or proper to accomplish the purposes of the district;

(d) Acquire by gift, purchase, condemnation, or otherwise in the name of the district, and own, control, manage, dispose of and exchange any interest and real or personal property;

(e) Perform all acts necessary or proper to accomplish the purposes of this chapter.

(f) Maintain and operate a garbage disposal site and facilities and fix and collect fees for the use thereof.

(g) Borrow money and incur indebtedness and guarantee the performance of its legal or contractual obligations.

(Added by Stats. 1951, Ch. 964.)

Article 5. Taxation

(Article 5 added by Stats. 1951, Ch. 964)

4181. The district board shall, at least 15 days before the first day of the month in which the board of supervisors of the county in which the district is situated is required by law to levy the amount of taxes required for county purposes, furnish the board of supervisors and county auditor of the county an estimate in writing of the amount of money necessary for the district's purposes during the next ensuing fiscal year. The county tax collector shall collect the district taxes at the same time and in the same manner as the county taxes are collected. All money collected for district purposes shall be paid into the county treasury and paid out on warrants of the county auditor drawn on the county treasurer, upon order of the district board. The amount of money necessary for the district's purposes may include a cash-basis fund.

(Added by Stats. 1951, Ch. 964.)

4181.1. The district board may also include in its estimate in writing of the amount of money necessary for the district's purposes provided for in Section 4181 an unappropriated reserve to cover expenditures that have not been provided for, or that have been insufficiently provided for, or for unforeseen requirements. The money in any unappropriated reserve fund so established may be made available for appropriation by a four-fifths vote of the members of the district board at any regular or special meeting of which all members have had reasonable notice. In addition, the district board may further provide by resolution for transfers or revisions of unencumbered funds within the general district expenditures provided for during any fiscal year where, in the opinion of the district board, any such transfer or revision is necessary for the purposes of the district.

(Added by Stats. 1961, Ch. 929.)

4182. The board of supervisors of the county in which the district is situated shall, at the time of levying county taxes, levy a tax to be known as the "----- garbage and refuse disposal district tax," sufficient to raise the amount reported to it by the district board, upon property of the district in the county. The board of supervisors shall determine the rate of the tax by deducting 5 percent for anticipated delinquencies from the total assessed value of the taxable property of the district within the county as it appears on the assessment roll of the county, and then dividing the sum reported to it by the district board by the remainder of the total assessed value.

(Added by Stats. 1951, Ch. 964; amended by Stats. 1957, Ch. 46, and by Stats. 1961, Ch. 929.)

4183. For the purposes of the district the board of supervisors shall levy a tax of not to exceed fifteen cents (\$0.15) on each one hundred dollars (\$100) of taxable property of the district in the county.

(Added by Stats. 1951, Ch. 964.)

4184. The district board may establish and maintain a cash-basis fund for the purpose of defraying district expenses between the beginning of a fiscal year and the time of distribution of tax receipts in a fiscal year. Such cash-basis fund shall not exceed 60 percent of the estimated expenditures for a fiscal year.

(Added by Stats. 1951, Ch. 964.)

4185. If a district is organized in any year too late for the levy of a tax in that year or in the next ensuing year, the board of supervisors may transfer funds of the county not immediately needed for county purposes to the district fund to be used for the payment of expenses of such district until such time as district tax receipts are available therefor. The board of supervisors shall include in the levy of taxes for the district for the fiscal year in which a tax may be levied, a sum sufficient to repay to the county the amounts so transferred to the district for the portion or portions for the preceding fiscal years for which the levy of taxes was made for that purpose and the amount so transferred shall be retransferred to the county treasury from the district fund out of the first available receipts from the tax levy.

(Added by Stats. 1951, Ch. 964.)

Article 5.5. Claims

(Article 5.5 added by Stats. 1959, Ch. 1727)

4185.1. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727; amended by Stats. 1963, Ch. 1715. See note following Section 954.)

Article 6. Bonds

(Article 6 added by Stats. 1951, Ch. 964. See also Section 4186.30)

4186. No general obligation bonds shall be issued by the district unless the issuance thereof is approved by the electors of the district at a special election as provided in this article. If the district board finds that it is necessary to incur a bonded indebtedness to obtain funds with which to carry out the purposes of the district, it may submit the proposition to the voters of the district. For that purpose a special election shall be called by resolution.

(Added by Stats. 1951, Ch. 964.)

4186.01. The resolution shall state all of the following:

(a) The general objects and purposes for which it is proposed to incur an indebtedness.

(b) A general description of all property to be acquired or damaged and work to be executed through the expenditure of the funds secured by the issuance and sale of the bonds.

(c) An estimate of the cost of the proposed work.

(d) The amount of the bonds proposed to be issued.

(e) The number of years not to exceed which the whole of the bonds are to run.

(f) The rate of interest or a maximum rate of interest to be paid.

(g) The date of the election.

(h) The election precincts, polling places, and election officers.

(Added by Stats. 1951, Ch. 964.)

4186.02. For the purposes of the bond election the district board may consolidate into one precinct several precincts established for general election purposes and describe the precinct by reference to the general election precincts.

(Added by Stats. 1951, Ch. 964.)

4186.03. An election board consisting of one inspector, one judge and one clerk shall be appointed by the district board for each precinct.

(Added by Stats. 1951, Ch. 964.)

4186.04. Only voters registered in the district are eligible to vote at the bond election.

(Added by Stats. 1951, Ch. 964.)

4186.05. A resolution calling the election shall be published once a week for three successive weeks in a newspaper having a general circulation in the district and designated by the district board. No other notice of the election need be given.

(Added by Stats. 1951, Ch. 964.)

4186.06. If two-thirds of the votes cast are in favor of incurring the bonded indebtedness as proposed, bonds of the district for the amount stated in the resolution calling the election shall be issued and sold.

(Added by Stats. 1951, Ch. 964.)

4186.07. The validity of the bonds after their issuance shall not be questioned in any court except on the ground that the provisions of this chapter authorizing their issuance are unconstitutional, or that the required hearing regarding the formation of the district was not regularly held or proper notice of it was not given.

(Added by Stats. 1951, Ch. 964.)

4186.08. The district board shall prescribe by resolution the form of the bonds, and interest coupons. The bonds shall be payable at such times and at a place to be fixed by the board, and designated in the bonds, together with interest on all sums unpaid on that date until the whole of the indebtedness has been paid. The term of the bonds issued shall not exceed 40 years.

(Added by Stats. 1951, Ch. 964.)

4186.09. The bonds shall be issued in such denominations as the district board determines, except that no bond shall be of a denomination less than one hundred dollars (\$100) or greater than one thousand dollars (\$1,000). They shall be payable on the day and at the place fixed in the bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of 6 percent per annum, and shall, after the first year, be payable semiannually.

(Added by Stats. 1951, Ch. 964.)

4186.10. The bonds shall be signed by the chairman of the district board and countersigned by the county auditor, and the seal of the district board shall be affixed. The interest coupons of the bonds shall be numbered consecutively and signed by the county auditor by his engraved or lithographed signature.

(Added by Stats. 1951, Ch. 964.)

4186.11. If any officer whose signature or countersignature appears on the bonds ceases to be an officer before the delivery of the bonds to the purchaser, his signature or countersignature shall be as valid as if he had remained in office until the delivery of the bonds.

(Added by Stats. 1951, Ch. 964.)

4186.12. The district board may issue and sell bonds of the district at not less than par value, and the proceeds shall be placed in the treasury of the county.

(Added by Stats. 1951, Ch. 964.)

4186.13. All premiums and accrued interest received shall be paid into the fund to be used for the payment of principal and interest on the bonds and the remainder of the proceeds of the sale shall be paid into the construction fund of the district, and proper records of the transactions shall be placed upon the books of the county treasurer.

(Added by Stats. 1951, Ch. 964.)

4186.14. The construction fund shall be applied exclusively to the purposes and objects mentioned in the resolution calling the bond election.

Payments from the construction fund shall be made upon demands allowed by the district board, and prepared, presented, and audited in the same manner as demands upon funds of the county.

(Added by Stats. 1951, Ch. 964.)

4186.15. If the proposition of issuing bonds submitted at the bond election fails to receive the requisite number of votes, the district board may, at the expiration of six months after that election, call or order another bond election, either for the same objects and purposes, or for any other object or purpose of the district.

(Added by Stats. 1951, Ch. 964.)

4186.16. If bonds have been issued by the district and the proceeds of the sale have been expended and the district board by resolution passed by a vote of two-thirds of all its members determines that the public interest or necessity of the district

demands the issuance of additional bonds for carrying out any of the objects of the district, the board may again submit to the voters the question of issuing additional bonds in the same manner as for a first issue. All provisions of this chapter for the issuance and sale of bonds, and for the expenditure of proceeds, apply to the issuance of additional bonds.

(Added by Stats. 1951, Ch. 964.)

4186.17. Bonds and interest thereon shall be paid by revenue derived from an annual tax upon the property in the district, and all the property in the district shall be and remain liable to be taxed for such payments. Said bonds and the interest thereon shall not be taxable in this State.

(Added by Stats. 1951, Ch. 964.)

4186.18. (a) An issue of bonds is hereby defined to be the aggregate principal amount of all of the bonds authorized to be issued in accordance with a proposal submitted to and approved by the electors of the district, but no indebtedness will be deemed to have been contracted until bonds shall have been sold and delivered and then only to the extent of the principal amount of the bonds so sold and delivered.

(b) The district board of any district issuing bonds may, in its discretion, divide the aggregate principal amount of such issue into two or more divisions or series and fix different dates for the bonds of each separate division or series. In the event any authorized issue is divided into two or more divisions or series, the bonds of each division or series may be made payable at such time or times as may be fixed by the district board separate and distinct from the time or times the payment of bonds of any other division or series of the same issue.

(Added by Stats. 1951, Ch. 964.)

4186.19. Whenever a district has issued bonds, the district board shall include in its annual statement to the board of supervisors as to the amount of money needed for district purposes during the next ensuing fiscal year pursuant to Section 4181, it shall include, in addition thereto, the amount necessary to pay the interest and principal on such bonds as will become due before the time for making the next general tax levy.

(Added by Stats. 1951, Ch. 964.)

4186.20. If the district board fails to furnish to the board of supervisors a statement of the amount of money necessary to pay the principal and interest on the bonds as provided for in Section 4186.19, the board of supervisors of the county shall ascertain that amount and shall levy it and cause it to be collected.

(Added by Stats. 1951, Ch. 964.)

4186.21. The principal and interest on the bonds shall be paid by the treasurer of the county in the manner now or hereinafter provided by law for the principal and interest of the bonds of the county.

(Added by Stats. 1951, Ch. 964.)

Article 6. Revenue Bonds

(Article 6 added by Stats. 1951, Ch. 964. See also Section 4186)

4186.30. A district formed pursuant to the provisions of this chapter is a local agency within the meaning of the Revenue Bond Law of 1941, and the provisions of that law are applicable to such a district.

(Added by Stats. 1951, Ch. 964; amended by Stats. 1959, Ch. 598.)

Article 7. Change of Boundaries

(Article 7 added by Stats. 1951, Ch. 964)

4187. The boundaries of any district may be altered, and outlying contiguous territory, whether incorporated or unincorporated, may be annexed as provided in this article.

(Added by Stats. 1951, Ch. 964.)

4188. A petition signed by 50 or more freeholders in the territory proposed to be annexed, or by a majority of the freeholders if there are less than 100 within the portion proposed to be annexed, designating the boundaries of the territory proposed to be annexed and asking that it be annexed to the district, shall be presented to the board of supervisors.

(Added by Stats. 1951, Ch. 964.)

4189. At its first regular meeting after the presentation of the petition, the board of supervisors shall cause notice of the petition to be published in a newspaper published and circulated in the territory sought to be annexed, if there is one, otherwise, by posting copies of the notice in three of the most conspicuous places in the territory proposed to be annexed, for three weeks prior to the date to be fixed by the board for hearing the petition.

Upon the date fixed for the hearing, or to which it may be continued, the board of supervisors shall consider the petition, and any objections which may be filed to the inclusion of any property in the district.

(Added by Stats. 1951, Ch. 964.)

4190. The board of supervisors may by order entered on its minutes grant the petition either in whole or in part, and by order entered on its minutes alter the boundaries of the district to annex all, or such portion of the territory described in the petition as will be benefited by inclusion in the district, and from and after the making of the order, the territory is a part of the district, and shall be taxed, together with the remainder of the district, for all taxes to be thereafter levied by the board of supervisors for the operation and maintenance of the district.

(Added by Stats. 1951, Ch. 964.)

4191. No territory which will not be so benefited, or which is not described in the petition, shall be included in the district, and the board shall provide for public hearings for property owners petitioning said board for such hearing and upon proper

presentation being made by property owners that property of their ownership is not benefited by the district the board thereupon shall exclude such property from the district.

No city or portion thereof shall be annexed to the districts unless and until the governing body of the city has consented thereto, such consent being adopted by a favorable vote of two-thirds or more of the governing body.

No city or portion thereof shall be annexed to the district unless and until the governing body of the city has consented thereto, such consent being adopted by a favorable vote of two-thirds or more of the governing body.

(Added by Stats. 1951, Ch. 964.)

4192. Any portion of a district that will not be benefited by remaining in the district may be withdrawn therefrom by the same procedure as is provided for the annexation of territory.

(Added by Stats. 1951, Ch. 964.)

4193. Upon the withdrawal of any territory from a district, all property acquired for the district shall remain vested in the district and be used for the purposes of the district; except, that if a city withdraws from the district, then that part of the money in the county treasury to the credit of the fund of the district shall be paid over to the city in accordance with the ratio that the territory of the city bears to the territory of the entire district. If the district subsequently sells all or a part of any garbage and refuse disposal site acquired by it when such withdrawn territory is a part of the district, a similar proportionate share shall be paid to the territory that has withdrawn from the territory.

(Added by Stats. 1951, Ch. 964.)

Article 8. Dissolution

(Article 8 added by Stats. 1951, Ch. 964)

4194. A district may be dissolved by the board of supervisors as provided in this article.

(Added by Stats. 1951, Ch. 964.)

4195. Upon receiving a petition signed by 50 or more freeholders and residents of the district, or by a majority of the freeholders and residents if there are less than 100 freeholders and residents in the district, requesting the dissolution of the district, the board of supervisors shall fix a time for the hearing of the petition, which shall not be less than 10 nor more than 30 days after the receipt of the petition, and shall, at least a week prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper circulated in the district.

(Added by Stats. 1951, Ch. 964.)

4196. At the time appointed for the hearing or at any time to which it may be continued, the board of supervisors shall hear and pass upon the petition and may grant or deny it, and its decision thereon is final and conclusive.

(Added by Stats. 1951, Ch. 964.)

4197. If the petition is granted, the board of supervisors shall by resolution order the dissolution of the district and the district is then dissolved, and its remaining real and personal property shall be sold by the county at public auction to the highest bidder. The proceeds from the sale of such property shall be paid over to the public agencies within the district in accordance with the ratio that the territory of each such public agency within the district bears to the territory of the entire district.

(Added by Stats. 1951, Ch. 964.)

CHAPTER 2. FRANCHISE BY COUNTIES

4200. Every franchise or privilege for the collection, disposal or destruction, or any combination thereof, of garbage, waste, offal, and debris, shall be granted by the board of supervisors of any county only under the terms and conditions of this chapter.

(Amended by Stats. 1955, Ch. 928.)

4201. Any county may, by resolution of the board of supervisors, call for bids for the granting of a franchise, exclusive or otherwise, for the collection, disposal or destruction, or any combination thereof, of garbage, waste, offal, and debris, according to the terms and conditions set forth in the resolution, for a period of time not to exceed 25 years.

Thereafter the board of supervisors shall cause to be published once a week for two successive weeks a notice which shall set forth all of the terms and conditions embraced in the resolution and the time, date, and place for the receiving and opening of sealed bids which shall not be sooner than four full weeks from date of the first publication of the notice.

Upon examination by the board of supervisors of the bids, the franchise may be awarded to the lowest qualified bidder. The board of supervisors may postpone the granting of the franchise from time to time until it has had a full and complete opportunity to examine into the merits of each bid.

(Amended by Stats. 1955, Ch. 928, and by Stats. 1957, Ch. 672.)

4202. The successful bidder shall file with the board of supervisors, upon grant of the franchise, a bond in favor of the county in an amount and under such terms and conditions as may be prescribed by the board of supervisors.

4203. The county may, in the resolution and advertised notice, impose terms and conditions other than those mentioned in this chapter so long as they are not in conflict with the provisions of this chapter.

4204. A bidder may in his franchise bid set forth such propositions, terms, and conditions as he may desire to offer, or receive the benefit from, which may be in addition to, or in conflict with, those mentioned in the resolution or advertised notice calling for bids, so long as they are not in conflict with the provisions of this chapter.

CHAPTER 2.5. CITY GARBAGE DISPOSAL CONTRACTS

(Chapter 2.5 added by Stats. 1949, Ch. 860)

4250. The legislative body of any incorporated city may contract for the collection or disposal, or both, of garbage, waste, refuse, rubbish, offal, trimmings or other refuse matter under such terms and conditions as may be prescribed by the legislative body of any such city by resolution or ordinance.

(Added by Stats. 1949, Ch. 860.)

CHAPTER 2.6. GARBAGE AND REFUSE DUMPS

(Chapter 2.6 added by Stats. 1957, Ch. 2423)

4260. No city, county, district, or public or municipal corporation shall acquire and operate or cause to be acquired and operated a dump or site for the disposal of garbage or refuse, or transfer station or collection point for garbage or refuse, within a city without the consent of the city council, or within the unincorporated area of a county without the consent of the board of supervisors.

(Added by Stats. 1957, Ch. 2423.)

CHAPTER 3. FUMES ESCAPING FROM BURNING GARBAGE**Article 1. Cremation of Refuse, Generally**

4300. No person shall operate in any city, city and county, or town any crematory for the destruction by fire heat of garbage, ashes, offal, or other refuse matter, except as provided in this chapter.

4301. No such crematory shall be operated in this State except in such a manner as will prevent the propagation of disease through contamination of the atmosphere of any city, city and county, or town by the gases or fumes arising from the fires or ovens of the crematory.

4302. Every person who burns by fire heat or destroys by cremation any garbage, ashes, offal, or other refuse matter, in violation of the provisions of this article is guilty of a misdemeanor.

Article 2. Cremation of Animal Refuse

4303. Every person who destroys or who attempts to destroy the carcass of any dead animal, or the offal from any slaughter pen, corral, or butcher shop by fire within one-fourth of a mile of any city, town, or village, except in a crematory, the construction and operation of which is satisfactory to the board of health of the city or the health officer of the town, is guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment.

CHAPTER 4. POLLUTION OF WATERS AND PUBLIC PLACES

Article 1. Navigable Waters

4400. For the purpose of this article the term "garbage" includes any or all of the following:

- (a) Garbage.
 - (b) Swill.
 - (c) Refuse.
 - (d) Cans.
 - (e) Bottles.
 - (f) Paper.
 - (g) Vegetable matter.
 - (h) Carcass of any dead animal.
 - (i) Offal from any slaughter pen or butcher shop.
 - (j) Trash.
 - (k) Rubbish.
 - (l) Radioactive waste materials.
- (Amended by Stats. 1961, Ch. 1066.)

4401. Every person who places, deposits, or dumps any garbage in or upon the navigable waters of this State, or who places, deposits, or loads it upon any vessel, with intent that it shall be dumped or deposited in or upon the navigable waters of this State, or at any point in the ocean within 20 miles of any point on the coast line of the State, is guilty of a misdemeanor.

4402. Every person in charge of any vessel who permits it to be loaded with any garbage with intent that it shall be dumped or deposited from the vessel in or upon any of the navigable waters of this State, or at any point in the ocean, within 20 miles of any point on the coast line of the State, is guilty of a misdemeanor.

4403. A vessel upon which any garbage has been loaded with the intent that it shall be dumped or deposited upon any of the waters of the ocean where permitted by this article, shall not leave any point within the State unless it shall carry for the entire trip an inspector appointed by the State Department of Public Health, or where the point of departure is in a city, then by the city. The inspector shall enforce the provisions of this article.

Every person in charge of a vessel which is required to have an inspector on board by this article, and which does not carry an inspector during the entire trip, is guilty of a misdemeanor.

4403.5. Every person in charge of a vessel which is to dump or deposit radioactive waste materials upon any of the waters of the ocean where permitted by this article shall notify the department in writing at least five days in advance of such dumping or depositing, specifying the intended date of departure and giving such other information as may be required by the department. The department may permit the vessel to leave without the inspector required by Section 4403 if it determines that the public health and welfare will not be en-

dangered thereby. If such permission is granted, the department may require the person in charge of the vessel to submit a certified statement to it, at such time as the department determines, setting forth the time, location, and manner of the dumping or disposal and such other information as the department may require.

(Added by Stats. 1961, Ch. 1066.)

4404. This article shall not be construed to affect the discharge of any sewer system.

Article 2. Water Supply

4450. No person shall put the carcass of any dead animal, or the offal from any slaughter pen, corral, or butcher shop, into any river, creek, pond, reservoir, or stream.

4451. No person shall put any water closet, privy, cesspool or septic tank, or the carcass of any dead animal, or any offal of any kind, in, or upon the borders of, any stream, pond, lake, or reservoir from which water is drawn for the supply of any portion of the inhabitants of this State, in such a manner that the drainage of the water closet, privy, cesspool or septic tank, or carcass, or offal may be taken up by or in the water.

(Amended by Stats. 1949, Ch. 1550.)

4452. No person shall allow any water closet, privy, cesspool, or septic tank, or carcass of any dead animal, or any offal of any kind, to remain in or upon the borders of any stream, pond, lake, or reservoir within the boundaries of any land owned or occupied by him, in such a manner that the drainage from the water closet, privy, cesspool or septic tank, or carcass, or offal, may be taken up by or in the stream, pond, lake, or reservoir, if water is drawn therefrom for the supply of any portion of the inhabitants of this State.

(Amended by Stats. 1949, Ch. 1550.)

4453. No person shall keep any horses, mules, cattle, swine, sheep, or live stock of any kind, penned, corraled, or housed on, over, or on the borders of any such stream, pond, lake, or reservoir, in such a manner that the waters become polluted, if water is drawn therefrom for the supply of any portion of the inhabitants of this State.

4454. No person shall cause or permit any horses, cattle, sheep, swine, poultry, or any kind of live stock or domestic animals, to pollute the waters, or tributaries of waters, used or intended for drinking purposes by any portion of the inhabitants of this State.

4455. No person shall bathe, except as permitted by law, in any stream, pond, lake, or reservoir from which water is drawn for the supply of any portion of the inhabitants of this State, or by any other means foul or pollute the waters of any such stream, pond, lake, or reservoir.

4455.5. Nothing in this article shall be held to prevent the grazing of livestock in areas embracing any stream or watershed where such grazing would not tend to render such waters unwholesome or injurious to the public health.

(Added by Stats. 1945, Ch. 698.)

4456. Every person who washes clothes in any spring, stream, river, lake, reservoir, well, or other waters which are used or intended for drinking purposes by the inhabitants of the vicinage or of any city, county, or town, of this State, is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 90 days, or a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by both such fine and imprisonment.

Each day's violation of this section is a separate offense.

4457. Every person who violates, or refuses or neglects to conform to, any sanitary rule, order, or regulation prescribed by the State Department of Public Health for the prevention of the pollution of springs, streams, rivers, lakes, wells, or other waters used or intended to be used for human or animal consumption, is guilty of a misdemeanor.

4458. No person shall construct, maintain or use any sewer well extending to or into a subterranean water-bearing stratum that is used or intended to be used as, or is suitable for, a source of water supply for domestic purposes, except that where a regional water pollution control board finds that water quality considerations do not preclude controlled recharge of such stratum by direct injection, water reclaimed from sewage may be injected by a well into such stratum after a public hearing and a finding by the State Board of Public Health that the proposed recharge will not impair the quality of water in the receiving aquifer as a source of water supply for domestic purposes. Said board may make and enforce such regulations pertaining thereto as it deems proper. Nothing in this section shall be construed to affect the authority of the State Water Pollution Control Board or regional water pollution control boards to prescribe and enforce requirements for such discharge.

"Sewer well" as used in this section includes all of the following:

(a) Any hole dug or drilled into the ground, and intended for use as a water supply, which has been abandoned and is being used for the disposal of sewage.

(b) Any hole dug or drilled into the ground, used or intended to be used for the disposal of sewage.

(Added by Stats. 1949, Ch. 1550; amended by Stats. 1961, Ch. 1131.)

4459. It is unlawful for the owner, tenant, lessee, or occupant of any houseboat or boat intended for or capable of being used as a residence, house, dwelling, or habitation, or agent of such owner, tenant, lessee, or occupant to moor or anchor it or permit it to be moored or anchored in or on any river or stream, the waters of which are used for drinking or domestic purposes by any city, town, or village, within a distance of two miles above the intake or place where the city, town, or village water system takes water from the river or stream. This section does not apply to the mooring or anchoring of a houseboat when necessary, during transportation, for a period of not longer than one day.

(Added by Stats. 1949, Ch. 1550.)

4460. Violation of this article may be enjoined by any court of competent jurisdiction at the suit of any person whose supply of water for human or animal consumption or for domestic purposes is or may be affected, or by the state department.

(Added by Stats. 1949, Ch. 1550.)

4461. Anything done, maintained, or suffered, in violation of any of the provisions of this article is a public nuisance, dangerous to health, and may be summarily abated as such.

(Added by Stats. 1949, Ch. 1550.)

4462. A city, city and county, district or other public agency, owning or operating a reservoir used for domestic or drinking water purposes, may open to public fishing all or any part of the reservoir and its surrounding land.

(Added by Stats. 1957, Ch. 2413.)

4463. Before the reservoir and its surrounding land are opened to public fishing the public agency owning or operating the reservoir shall determine that such public fishing will not affect the purity and safety for drinking and domestic purposes of the water collected in the reservoir, and shall obtain from the State Board of Public Health a valid water supply permit setting forth the terms and conditions upon which public fishing may be conducted in the reservoir and on its surrounding land.

(Added by Stats. 1957, Ch. 2413.)

4464. Public fishing shall not be conducted in a reservoir or on its surrounding land if the reservoir is used as a regulating reservoir to meet daily or peak consumption demands and as a terminal reservoir to a water collecting facility and as a distribution reservoir from which water may be supplied for drinking or domestic purposes without full purification treatment after withdrawal from the reservoir.

(Added by Stats. 1957, Ch. 2413.)

4465. The public agency owning or operating the reservoir may establish and collect fees, including charges for motor vehicle parking, for the construction and operation of structures, facilities and equipment and the operation and use of

the reservoir and its surrounding lands for public fishing. The public agency may contract with any agency or department of the Federal Government or the State, with other public agencies or with private individuals for the construction, operation and use of structures, facilities and equipment and the performance of services necessary or convenient to public fishing in the reservoir and on its surrounding land, including the rental, lease or permission to use portions of the reservoir and its surrounding lands for structures, facilities and equipment necessary or convenient for the use of the public. The public agency may establish and enforce all rules and regulations necessary or convenient to the conducting of public fishing on the reservoir and its surrounding land and for the control, operation and protection of the reservoir, its surrounding land and all structures, facilities and equipment in connection with the reservoir.

(Added by Stats. 1957, Ch. 2413.)

4466. The public agency shall cause a copy of such rules and regulations to be posted upon the area opened to public fishing and other recreational uses, and it shall cause the rules and regulations to be published at least once in a newspaper of general circulation published in the county in which such reservoir is in whole or in part situated, if there be such a newspaper, otherwise in a newspaper of general circulation published within the area of such public agency. Such posting and publication shall be sufficient notice to all persons. The affidavit of the secretary, clerk or corresponding officer of the public agency that such rules and regulations have been so posted and published is prima facie evidence thereof. A copy of the rules and regulations, attested by the secretary, clerk or corresponding officer of the public agency shall be prima facie evidence that the rules and regulations have been made by the public agency as provided by law.

(Added by Stats. 1957, Ch. 2413.)

4467. Any violation of any such rule or regulation lawfully made by the public agency is a misdemeanor. Any judge of a justice court within any judicial district within which such reservoir lies in whole or in part, or any municipal court within such district, shall have jurisdiction of all prosecutions for violations of any such rules and regulations adopted by the public agency.

(Added by Stats. 1957, Ch. 2413.)

4468. The provisions of Sections 4462 to 4467, inclusive, shall not apply to reservoirs used for domestic or drinking water purposes which are open to fishing or recreational uses on September 11, 1957, or which have been open to fishing or recreational uses prior to that date.

(Added by Stats. 1957, Ch. 2413.)

Article 2.5. Additional Water Supply Provisions
(Article 2.5 added by Stats. 1959, Ch. 493)

4470. "Governmental agency," as used in this article, includes a city, city and county, and district, but does not include a chartered city or city and county.

"Body of water" means a reservoir or lake.

"Owned" means owned or controlled.

(Added by Stats. 1959, Ch. 493.)

4470.1. The board of supervisors of any county wherein is located a body of water owned by a governmental agency, which is used to supply water for human consumption may by resolution request the governmental agency owning the body of water to open the body of water to public fishing and the surrounding land area for other recreational use. The governmental agency owning the body of water shall thereupon make and file with said board of supervisors an estimate of the cost of preparing a co-ordinated plan for public fishing in said body of water and other recreational uses in the surrounding land area. Said board of supervisors thereupon may deposit with the governmental agency owning said body of water the amount of such estimate not exceeding two thousand five hundred dollars (\$2,500), and the governmental agency owning said body of water thereupon shall proceed promptly with and complete such co-ordinated plan. In event the cost of preparing such plan shall be less than the amount deposited by said board of supervisors, the excess shall be repaid by the governmental agency owning the body of water to the board of supervisors which made such deposit. Such plan may provide for development of the area by stages and may exclude from public access structures, facilities or works of the agency necessary in supplying water for human consumption and such portions of the body of water and surrounding land area as may be reasonably required for the protection, maintenance or operation of such structures, facilities or works. Such plan may exclude such portions of the surrounding area as are unsuitable for public recreational use. The co-ordinated plan may also include an estimate of the cost of the capital improvements necessary or convenient for such public fishing and recreational uses, an estimate of the annual cost of maintenance and operation of the plan, and a recommendation as to the manner in which the plan may be financed.

After completion of the co-ordinated plan the governmental agency shall promptly make application to the State Department of Public Health for an amendment to its water supply permit, which would allow the opening of the body of water to public fishing and the surrounding land area for other recreational use pursuant to the co-ordinated plan.

(Added by Stats. 1959, Ch. 493.)

4470.2. Upon receipt of the amended permit, if the agency does not allow such use, it shall call for a vote of its constituents at the next statewide primary election or general election, or if the agency is a municipal corporation at the next general municipal election, to determine whether or not such use shall be allowed and if a majority vote is in favor the public agency shall allow public fishing in the body of water and other recreational uses in the surrounding area in compliance with the amended permit.

(Added by Stats. 1959, Ch. 493.)

4470.3. Nothing herein contained shall permit or require fishing or other recreational uses in a secondary reservoir from which water is supplied for domestic use without purification treatment after withdrawal from said reservoir.

(Added by Stats. 1959, Ch. 493.)

4470.4. The ballot for the election authorized by Section 4470.2 shall contain such instructions required by law to be printed thereon and in addition thereto the following:

Shall the (insert name of governmental agency) allow fishing in the (name of body of water) and other recreational uses in the surrounding area subject to the regulations of the State Department of Public Health?	YES	
	NO	

If the governmental agency concludes that a bond issue is required to pay for the capital improvements included in the co-ordinated plan as approved by the amended permit, there shall also be printed on the ballot, immediately following the ballot proposition aforesaid, the following proposition to be voted on by the constituents of the governmental agency:

Shall the (insert name of governmental agency) incur a bonded indebtedness in the principal amount of \$----- for providing the capital improvements for fishing in the (name of body of water) and other recreational uses in the surrounding land area, subject to the regulations of the State Department of Public Health?	YES	
	NO	

(Added by Stats. 1959, Ch. 493.)

4471. The governmental agency owning the body of water may fix and collect fees, including charges for motor vehicle parking, for the construction of facilities, operation, and use of the area opened for public fishing and other recreational uses. Such governmental agency shall have the power to contract with others for the rendering of any or all of the services required in connection with the operation of the area including the right to rent or lease the whole or any part of the area to provide necessary or convenient facilities for the use of the public. Such governmental agency shall have the

power to make and enforce rules and regulations which it may find necessary or convenient for proper control of the areas opened to public fishing and other recreational uses. The State Department of Public Health shall make recurring inspections of all recreational areas approved under this article to insure the continued purity of drinking water.

(Added by Stats. 1959, Ch. 493.)

4471.1. The governmental agency shall cause a copy of the rules and regulations to be posted upon the area opened to public fishing and other recreational uses, and it shall cause the rules and regulations to be published at least once in a newspaper of general circulation published in the county in which the reservoir is in whole or in part situated, if there be such a newspaper, otherwise in a newspaper of general circulation published within the area of the governmental agency. Such posting and publication shall be sufficient notice to all persons. The affidavit of the secretary, clerk, or corresponding officer of the governmental agency that the rules and regulations have been so posted and published is prima facie evidence thereof. A copy of the rules and regulations, attested by the secretary, clerk, or corresponding officer of the governmental agency shall be prima facie evidence that the rules and regulations have been made by the governmental agency as provided by law.

(Added by Stats. 1959, Ch. 493.)

4471.2. As far as possible the development and operation of the recreational uses authorized by this article shall be financed out of the revenues authorized by this article; provided, however, that the governmental agency owning the body of water is not required to fix fees which are unreasonably high and in its discretion may make use of any means of financing which it is otherwise authorized to use for any purpose.

(Added by Stats. 1959, Ch. 493.)

4471.3. Any violation of any such rule or regulation lawfully made by the governmental agency is a misdemeanor. Any judge of a justice court within any judicial district within which such reservoir lies in whole or in part, or any municipal court which may be established within such district, shall have jurisdiction of all prosecutions for violations of any such rules and regulations adopted by the governmental agency.

(Added by Stats. 1959, Ch. 493.)

4471.4. Notwithstanding any other provision of law, the Department of Fish and Game may stock with fish any body of water opened to public fishing pursuant to this article.

(Added by Stats. 1959, Ch. 493.)

Article 3. Public Places

4475. As used in this article, "garbage" includes any or all of the following:

- (a) Garbage.
- (b) Swill.
- (c) Refuse.
- (d) Cans.
- (e) Bottles.
- (f) Paper.
- (g) Vegetable matter.
- (h) Carcass of any dead animal.
- (i) Offal from any slaughterpen or butcher shop.
- (j) Trash.
- (k) Rubbish.
- (l) Abandoned and unidentifiable vehicles or vehicle bodies.
- (m) Abandoned iceboxes and refrigerators.

(Original 4475 now 4476. Present 4475 added by Stats. 1961, Ch. 949; amended by Stats. 1963, Ch. 370.)

4476. Every person who places, deposits, or dumps, or who causes to be placed, deposited or dumped, or who causes or allows to overflow, any sewage, sludge, cesspool or septic tank effluent, or accumulation of human excreta, or any garbage, in or upon any street, alley, public highway, or road in common use or upon any public park or other public property other than property designated or set aside for such purpose by the governing board or body having charge thereof, or upon any private property into or upon which the public is admitted by easement, license or otherwise, is guilty of a misdemeanor.

This section does not apply to the placing, depositing, or dumping of any garbage upon private property by the owner, or any person authorized by the owner, of the private property, except that the placing, depositing or dumping of such garbage shall not create a public health and safety hazard or a fire hazard, as determined by a local health department, local fire department or fire district, or the Division of Forestry.

(Formerly 4475. Amended by Stats. 1939, Ch. 535, by Stats. 1945, Ch. 1015, and by Stats. 1949, Ch. 1550; amended and renumbered 4476 by Stats. 1961, Ch. 949; amended by Stats. 1963, Ch. 370.)

4477. Every state fish and game warden, police officers of cities, sheriffs and their deputies and other peace officers of the State of California, within their respective jurisdictions, shall enforce the provisions of this article.

(Added by Stats. 1961, Ch. 949.)

Article 4. Punishment for Violations, Generally

4485. Violation of any provision of this chapter is a misdemeanor.

(Amended by Stats. 1939, Ch. 535.)

PART 3. SEWERS

CHAPTER 1. MUNICIPAL SEWER DISTRICT LAW OF 1911

(Heading amended by Stats. 1963, Ch. 756.)

Article 1. Definitions and General Provisions

4600. This chapter shall be known as the Municipal Sewer District Law of 1911.

(Original 4600 amended and renumbered 4602.1. Present 4600 added by Stats. 1963, Ch. 756.)

4601. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

(Original 4601 amended and renumbered 4602.4. Present 4601 added by Stats. 1963, Ch. 756.)

4602. "City" means the city in which the district is located. If a district is not entirely within the boundaries of a single city, "city" means the initiating city.

(Original 4602 amended and renumbered 4603. Present 4602 added by Stats. 1963, Ch. 756.)

4602.1. "District" means any district which is formed pursuant to this chapter or pursuant to any law which it supersedes.

(Formerly 4600. Amended and renumbered 4602.1 by Stats. 1963, Ch. 756.)

4602.2. "Governing body" means the city council or other legislative body of the city.

(Added by Stats. 1963, Ch. 756.)

4602.3. "Initiating city" means the city whose governing body initiated the proceeding for the formation of a district which is not entirely within the boundaries of a single city.

(Added by Stats. 1963, Ch. 756.)

4602.4. "Sewer work or improvement" means any or all of the following:

(a) The acquisition or construction of sanitary sewers of all types, including, but not limited to, outfall, trunk, intercepting, connecting, lateral, and house connection sewers.

(b) The acquisition or construction of sewage treatment plants, works, or system.

(c) The acquisition or construction of other improvements, works, or system for the collection, transmission, treatment, or disposal of sewage or industrial waste.

(d) The acquisition or construction of sewers, drains, pipelines, conduits, culverts, or ditches for the collection, transmission, or disposal of surface or storm water.

(e) The acquisition or construction of other improvements, works, or system for the purpose of surface or storm water drainage or for the purpose of flood control.

(f) The acquisition or construction of works or improvements appurtenant or related to any of the works, improvements, or systems described in subdivisions (a) to (e), inclusive, of this section.

(g) Additions to, or the reconstruction or improvement of, any of the works, improvements, or systems described in subdivisions (a) to (f), inclusive, of this section.

(h) The acquisition of any land, rights-of-way, capacity rights, rights of use, or other property needed for any of the works, improvements, or systems described in subdivisions (a) to (g), inclusive, of this section.

(Formerly 4601. Amended by Stats. 1956 (Ex. Sess.), Ch. 12. In effect April 13, 1956. Amended and renumbered 4602.4 by Stats. 1963, Ch. 756.)

4603. This chapter does not affect any other law under which sewer work or improvement may be done within or by any city but it provides an alternate system of proceedings for sewer work or improvement. Sewer work or improvement may be done either pursuant to this chapter, or pursuant to any other law. If, however, any proceedings are commenced pursuant to this chapter, its provisions apply to all sewer work or improvement which is done under those proceedings until such sewer work or improvement is completed.

If, after sewer work or improvement has been done pursuant to this chapter, the governing body of any city determines that it is necessary or convenient to do any additional sewer work or improvement, the governing body may proceed to do so either pursuant to this chapter or under any other appropriate law. If the additional sewer work or improvement is done pursuant to this chapter for the same district, the procedure shall be the same as that which is provided under this chapter for the doing of the initial sewer work or improvement. It is not necessary to reform the district if the governing body finds, following the hearing which is provided for by Section 4611 that the additional sewer work or improvement is of benefit to the entire district which was previously formed under this chapter as such district is then constituted. As an alternative method, the governing body may do such additional sewer work or improvement by forming a new district pursuant to this chapter which may include, in whole or in part, territory which is included in any district previously formed pursuant to this chapter.

(Formerly 4602. Amended and renumbered 4603 by Stats. 1963, Ch. 756.)

Article 2. Formation

4605. The governing body of any city may create a sewer district within the city pursuant to this chapter whenever in its judgment the district is necessary or convenient for proper sanitation, drainage, or flood control.

(Amended by Stats. 1963, Ch. 756.)

4606. A district may be formed to do any sewer work or improvement and to provide for the incurring of indebtedness to pay for the costs and expenses of such work or improvement.

(Amended by Stats. 1963, Ch. 756.)

4607. Whenever the governing body of a city determines that the public interest or convenience requires the doing of any sewer work or improvement in any part of the territory of the city, it may pass a resolution to that effect. The resolution shall be passed by a vote of at least two-thirds of the members of the governing body. It shall describe the sewer work or improvement in general terms. For the purpose of such description, reference may be made to maps, plats, plans, or other documents on file in the office of the clerk of the city. Any sewer work or improvement may be combined into a single project, the indebtedness for which is to be submitted to the electors as a single proposition.

The resolution shall also contain the total dollar amount of a general estimate of the costs and expenses of the proposed sewer work or improvement. In arriving at such estimate, the governing body may include the estimated amounts of any or all of the items which are set forth in Section 4625. The resolution need not, however, itemize or separately state any of the items included in the costs and expenses.

(Amended by Stats. 1963, Ch. 756.)

4608. (Repealed by Stats. 1963, Ch. 756.)

4609. The resolution shall do all of the following:

(a) Describe the boundaries of the proposed district. The district may consist of two or more noncontiguous parcels.

(b) Designate the district by a distinctive name and number.

(c) Declare the district to be the district benefited by the proposed sewer work or improvement.

(d) Name a time and place for the hearing of objections by any person interested in the formation of the district, in the inclusion within the district of any land within the boundaries described in the resolution or in the doing of the proposed sewer work or improvement.

(Amended by Stats. 1939, Ch. 1124, and by Stats. 1963, Ch. 756.)

4610. The resolution, together with the names of the members of the governing body voting for and against it shall be published once a week for at least two successive weeks in a newspaper of general circulation printed and published in the city. The first publication shall not be more than 60 nor less than 30 days prior to the date fixed for the hearing. If there is no newspaper of general circulation printed and published in the city, the resolution shall be so published in a newspaper of general circulation printed and published in the county in which the city is located.

(Amended by Stats. 1963, Ch. 756.)

4610.5. Copies of the resolution shall also be posted in three public places within the proposed district not earlier than the 60th day or later than the 30th day prior to the hearing. Not earlier than 60 nor later than 30 days prior to the hearing, a copy of the resolution shall also be mailed, postage prepaid, to each person to whom land in the proposed

district is assessed as such owner is shown on the last equalized county assessment roll, at his address as shown upon the roll, and to each person who has any interest in any land within the proposed district whose name and address and a designation of the land in which he is interested is on file in the office of the city clerk. Any error, omission, or mistake in such mailing, or any failure of any person to receive such copy shall not invalidate the proceedings pursuant to this chapter.

(Added by Stats. 1963, Ch. 756.)

4611. On the day fixed for the hearing, or any day to which the hearing is continued, the governing body shall hear and consider all written and oral objections presented to the formation of the district, the inclusion of any lands in the district, or the doing of the sewer work or improvement which is proposed.

At the hearing, the governing body may make changes in the sewer work or improvement but the estimated costs and expenses of the sewer work or improvement as changed, as determined by the governing body at the time of the change, shall not exceed by more than 10 percent the amount determined under Section 4607.

At the hearing, the governing body may exclude from the district any territory that in its opinion would not be benefited by the sewer work or improvement as finally determined. The governing body shall not, however, modify the boundaries of the proposed district so as to exclude from it any land which would in the judgment of the governing body be benefited by the sewer work or improvement as finally determined nor shall the governing body include in the proposed district any lands which will not in its judgment be so benefited.

(Amended by Stats. 1956, (Ex. Sess.) Ch.12, and by Stats. 1963, Ch. 756.)

4611.5. At the hearing, the governing body may add territory to the district if the owners of all of the land in the territory which is proposed to be added to the district have requested such addition in writing, or the governing body has first adopted a resolution of intention to do so. The resolution shall describe the boundaries of the territory which is proposed to be added to the district and shall state the time and place to which the hearing will be continued for the purpose of hearing objections to the proposed addition. Not later than 20 days before the time of such continued hearing, a copy of such resolution shall be mailed, postage prepaid, to each person to whom land in the territory which is proposed to be added to the district is assessed, as such owner is shown on the last equalized county assessment roll, at his address as shown upon the roll. A copy of such resolution shall also be mailed to each person who has any interest in any land within such territory whose name and address and a designation of the land

in which he is interested is on file in the office of the city clerk. Any error, omission, or mistake in such mailing, or any failure of any person to receive such copy shall not invalidate the proceedings pursuant to this chapter.

At the continued hearing, the governing body shall hear all objections to the proposed addition and may then take action adding to the district all or part of the territory which is described in the resolution of intention.

(Added by Stats. 1963, Ch. 756.)

4612. After making all necessary and proper changes in the boundaries, or in the sewer work or improvement, the governing body may, by a resolution which is passed by a vote of two-thirds of all of its members, establish the district, fix and determine its boundaries, and generally describe the sewer work or improvement as finally determined. This resolution, together with the names of the members of the governing body voting for and against it shall be spread upon the minutes of the governing body.

(Amended by Stats. 1963, Ch. 756.)

4613. A certified copy of the resolution which establishes the district shall be recorded in the office of the county recorder. Certified copies of such resolution, together with a map or plat which shows such boundaries, shall also be filed with the county assessor, the county clerk, and the State Board of Equalization. Upon such recordation in the office of the county recorder, the district is organized. No action or proceeding which contests the validity of the district or its organization shall be had or taken in any court, state or federal, unless it is commenced within 60 days from the date of the recordation of the resolution establishing the district in the office of the county recorder.

(Added by Stats. 1963, Ch. 756.)

Article 2a. Formation of Districts in Two or More Municipal Corporations and Also in Unincorporated Territory

(Article 2a added by Stats. 1956 (Ex. Sess.), Ch. 8.

In effect April 5, 1956)

4614.1. Districts may be formed pursuant to this article for the purpose of doing any sewer work or improvement which will be of benefit to territory partially within the initiating city and partially within any other city or within unincorporated area of the same county, or both.

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956. Amended by Stats. 1963, Ch. 756.)

4614.2. Any city may initiate proceedings for the formation of a district and the doing of sewer work or improvement pursuant to this article whenever the governing body of such city determines that it is desirable that a district be organized pursuant to this article. Except as otherwise provided in this article, the procedure for the formation of a district pursuant

to this article shall be the same as the procedure which is provided in this chapter where the district is within a single city.

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956. Amended by Stats. 1963, Ch. 756.)

4614.3. If the proposed district includes any part of any other incorporated city, the governing body of the initiating city shall file with the governing body of each such other city a certified copy of its resolution adopted pursuant to Section 4607, which resolution shall contain a request that the governing body of each such other city consent to the formation of such district. The governing body of the initiating city shall not form the district unless prior to the conclusion of the hearing which is provided for by Section 4611 the governing body of each city, any part of which is proposed to be included in the district, by resolution, consents to the formation of the district.

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956. Amended by Stats. 1963, Ch. 756.)

4614.4. If any part of the district includes any unincorporated territory of the county, the governing body of the initiating city shall file with the board of supervisors of the county in which such unincorporated territory is situated a certified copy of its resolution adopted pursuant to Section 4607, which resolution shall contain a request that the board of supervisors consent to the formation of such district. The governing body of the initiating city shall not form the district unless prior to the conclusion of the hearing which is provided for by Section 4611 the board of supervisors of the county in which such unincorporated territory is located, by resolution, consents to the formation of the district which will include such unincorporated territory within its boundaries.

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956. Amended by Stats. 1963, Ch. 756.)

4614.5. Whenever the governing body of each city which is included in whole or in part within the district which is to be organized, and the board of supervisors if the district includes any unincorporated territory, has consented to the formation of the district by filing a resolution of concurrence with the governing body of the initiating city, the governing body of the initiating city has full jurisdiction to proceed with the formation of the proposed district. Upon the filing with the governing body of the initiating city of all necessary concurring resolutions of the governing body of any city or of the board of supervisors of the county, as the case may be, the governing body of the initiating city has the sole and exclusive jurisdiction to proceed with the formation of the district, to conduct all hearings on the formation of the district, to make all necessary changes in the boundaries of the proposed district or the sewer work or improvement, to conduct all proceedings on the formation of the district and to take any other action permitted by this chapter with like force

and effect as though such district were wholly within the boundaries of the initiating city. The governing body of the initiating city shall not, however, add to the district at the hearing which is provided for by Section 4611 any territory within another city or within unincorporated territory unless it first obtains a consent to such addition which is expressed by a resolution adopted by the governing body of such other city or by the board of supervisors, as the case may be.

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956. Amended by Stats. 1963, Ch. 756.)

4614.6. (Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956. Repealed by Stats. 1963, Ch. 756.)

4614.7. (Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956. Repealed by Stats. 1963, Ch. 756.)

4614.8. (Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956. Repealed by Stats. 1963, Ch. 756.)

4614.9. (Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956. Repealed by Stats. 1963, Ch. 756.)

4614.10. (Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956. Repealed by Stats. 1963, Ch. 756.)

4614.11. Upon the formation of any district pursuant to this article, the district shall be governed by and under the jurisdiction of the governing body of the initiating city. The governing body of the initiating city may conduct all of the affairs of the district, call and hold bond elections in the district, construct all sewer work or improvements in the district, cause taxes to be levied and collected upon all taxable property in the district, and pass such necessary legislation as may be required for proper sanitation, sewage, and flood control purposes, with the same force and effect as though all of the area in the district were included within the boundaries of the initiating city.

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956. Amended by Stats. 1963, Ch. 756.)

4614.12. (Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956. Repealed by Stats. 1963, Ch. 756.)

4614.13. If bonds are authorized and are issued or are expected to be issued on behalf of any district which is organized pursuant to this article, the governing body of the initiating city shall, on or before the 15th day of July of each year, certify to the board of supervisors of the county in which the district is located, the amount to be raised for the payment of the principal of and interest on the bonds in accordance with Section 4638 and, if applicable, Section 4639.5. The county auditor shall determine the rate of taxation which shall be clearly sufficient to raise such amount. The county auditor shall compute and enter in a separate column in the county assessment roll the respective sums to be paid as the district tax on the taxable property in the district. The board of supervisors of the county in which the district is located shall, at the time of fixing the general county tax levy and in the

manner which is provided for such tax levy, levy and collect each year upon all of the taxable property in the district a tax in accordance with Section 4638 and, if applicable, Section 4639.5. The taxes so levied shall be in addition to all other taxes levied for county or city purposes and in addition to taxes levied pursuant to Section 4614.14 and shall be collected at the same time and in the same manner as county taxes are collected. When such taxes are collected they shall be paid to the county treasurer who shall forthwith remit them to the city treasurer of the initiating city. The taxes are a lien on all taxable property in the district and shall be of the same force and effect as the lien for county taxes. Their collection shall be enforced by the same means as provided for the enforcement of the lien of county taxes. The city treasurer of the initiating city shall hold such taxes in trust, separate and apart from all other city funds and use and apply them solely to the payment of bond principal and interest.

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956. Amended by Stats. 1963, Ch. 756.)

4614.14. In the case of a district formed pursuant to this article, the governing body of the initiating city may cause to be levied and collected an annual tax on the taxable property in the district for the purposes and subject to the limitations which are stated in Section 4640. The governing body of the initiating city, if it desires to levy such tax, shall, on or before July 15th of each year, certify to the board of supervisors of the county in which the district is located the amount of money to be raised by such tax. The board of supervisors shall levy and collect taxes upon the taxable property in the district sufficient to raise the amount which is so certified. The county auditor shall compute the rate of taxation, not to exceed the rate stated in Section 4640, required to raise such sum. Such annual tax shall be in addition to all other taxes which are levied for county or city purposes and in addition to the taxes which are levied pursuant to Section 4614.13. It shall be levied and collected in the same manner as district bond principal and interest taxes are levied and collected. When such tax is collected it shall be paid by the county treasurer to the city treasurer of the initiating city and shall be used and applied solely to the purposes which are permitted by Section 4640.

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956. Amended by Stats. 1959, Ch. 1932, and by Stats. 1963, Ch. 756.)

4614.15. This chapter does not prevent two or more cities or the board of supervisors of any county from entering into co-operation agreements for the joint acquisition, construction, or use of joint sanitary sewage facilities, flood control works, and storm water drainage systems.

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956. Amended by Stats. 1963, Ch. 756.)

Article 3. Issuance of Bonds

4615. At any meeting after the passage and recording of the resolution establishing the district, the governing body may, by a resolution passed by a vote of two-thirds of all its members, call an election to be held in the district for the purpose of voting on the question of incurring indebtedness for the purpose of doing the sewer work or improvement as finally determined.

(Amended by Stats. 1953, Ch. 510, and by Stats. 1963, Ch. 756.)

4616. The resolution calling the special election shall do all of the following:

(a) Describe the boundaries of the district as finally determined and refer to the district by its name and number.

(b) Describe in general terms the sewer work or improvement as finally determined and state the dollar amount of the estimated cost and expenses of the proposed sewer work or improvement, which amount shall not exceed by more than 10 percent the amount determined under Section 4607.

(c) State the amount of the principal of the indebtedness to be incurred for the purpose of paying the costs and expenses, which amount shall not exceed the estimate under subdivision (b) of this section.

(d) State the rate of interest or a maximum rate of interest to be paid on the indebtedness, which rate shall not be more than the rate specified in this chapter.

(e) Fix the date on which the special election shall be held.

(f) Determine the manner of holding the election, and the manner of voting for or against the incurring of the indebtedness.

(Amended by Stats. 1939, Ch. 1124, and by Stats. 1963, Ch. 756.)

4617. In all particulars not recited in this chapter or in the resolution, the election shall be held as is provided by law for holding general elections in the city. At the election, the measure of incurring indebtedness for the purposes set forth in the resolution shall be submitted to the voters of the district.

(Amended by Stats. 1953, Ch. 510, by Stats. 1956 (Ex. Sess.) Ch. 12. In effect April 13, 1956. Amended by Stats. 1963, Ch. 756.)

4618. The maximum rate of interest to be paid on the bonded indebtedness shall be six percent per annum, and shall, be payable semiannually. The first interest payable on the bonds or any series of the bonds may, however, be for any period not exceeding one year, as determined by the governing body.

(Amended by Stats. 1951, Ch. 1648, and by Stats. 1963, Ch. 756.)

4619. The resolution calling the election shall be published once a week for two successive weeks prior to the date set for

the election in a newspaper of general circulation, which is printed and published in the city. The first publication shall be not less than 30 days prior to the date of the election.

In any city where no newspaper is printed and published, the resolution shall be posted in three public places in the district not later than 30 days prior to the date set for the election. No other notice of the election need be given.

(Amended by Stats. 1963, Ch. 756.)

4620. If two-thirds of the votes cast upon the measure are in favor of the issuance of the bonds, the bonds may be issued and the indebtedness incurred.

If less than two-thirds of the votes cast are in favor of the issuance of the bonds, the governing body of the city shall not within six months after the election pass any resolution which calls another election for incurring any indebtedness for sewer work or improvement within that district or in any district which has within its boundaries any of the territory of that district.

(Amended by Stats. 1963, Ch. 756.)

4621. All bonds issued under this chapter shall be issued in the name of the city in which the district has been formed, or in the name of the initiating city, as the case may be, shall be in such form as the governing body may determine, and shall be payable at the time and in the manner determined by the governing body, at a place within the United States, to be fixed by the governing body and designated in the bonds. The maturity date of a bond need not be an anniversary of its date. The governing body may divide the principal amount of any issue of bonds into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The final maturity date of any issue of bonds, or of any series, shall not exceed 40 years from the date of such bonds, or the date of such series of the bonds. Bonds issued pursuant to this chapter shall not constitute indebtedness within the meaning of Section 29909 or Section 43605 of the Government Code.

The governing body may provide for the call and redemption of any bond prior to maturity at such time or times and at such price or prices and upon such other terms as it may specify, but no bond shall be subject to call or redemption prior to maturity unless a statement to that effect is printed on the bond.

(Amended by Stats. 1951, Ch. 1648, by Stats. 1956 (Ex. Sess.), Ch. 12. In effect April 13, 1956. Amended by Stats. 1963, Ch. 756.)

4622. The bonds shall be issued in any denominations which the governing body may determine.

The bonds shall be signed by the mayor, or by such other officer of the city as shall be designated for that purpose by the governing body by resolution, and shall also be signed by the city treasurer and countersigned by the city clerk or a deputy clerk.

The coupons of the bonds shall be numbered consecutively and signed by the treasurer.

All signatures and countersignatures on the bonds and coupons, except that of the clerk or his deputy, may be printed, lithographed, or engraved.

If any officer whose signature or countersignature appears on the bonds or coupons ceases to be an officer before the delivery of the bonds to the purchaser, his signature or countersignature is as valid and sufficient for all purposes, as if he had remained in office.

(Amended by Stats. 1951, Ch. 1648, by Stats. 1956 (Ex. Sess.), Ch. 12. In effect April 13, 1956. Amended by Stats. 1963, Ch. 756.)

4623. The governing body may issue and sell the bonds at not less than their par value. The proceeds of the sale shall be placed in the city treasury to the credit of the proper sewer district fund and shall be applied exclusively to the purposes and objects specified in the resolution calling the election.

(Amended by Stats. 1963, Ch. 756.)

4623.5. Before selling the bonds, or any part of the bonds, the governing body shall give notice inviting sealed bids in such manner and for such time as the governing body may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the governing body determines that the bids received are not satisfactory as to price or responsibility of the bidders, the governing body may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

(Added by Stats. 1963, Ch. 756.)

4624. An action to determine the validity of bonds issued pursuant to this chapter may be brought pursuant to Chapter 9 (commencing with Section 860), Title 10, Part 2 of the Code of Civil Procedure.

(Added by Stats. 1951, Ch. 1648; amended by Stats. 1961, Ch. 1555, and by Stats. 1963, Ch. 756.)

4625. In determining the amount of bonds to be issued, the legislative body may include all of the following:

(a) All costs and expenses and estimated costs and expenses incidental to or connected with the acquisition, construction, improving, or financing of the sewer work or improvement.

(b) All engineering, inspection, legal, and fiscal agent's fees, expenses in connection with the formation of the district, costs of the bond election and of the issuance of the bonds, bond reserve funds and working capital, and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

(Added by Stats. 1957, Ch. 1378; amended by Stats. 1963, Ch. 756.)

Article 4. Performance of Work

4627. Any contract for the construction of any of the sewer work or improvement may be let and entered into as other contracts for similar work are let and entered into by the city. If the sewer work or improvement includes the acquisition of any property, the city may acquire such property by purchase, gift, eminent domain, or otherwise.

(Amended by Stats. 1963, Ch. 756.)

4628. (Repealed by Stats. 1963, Ch. 756.)

4629. (Repealed by Stats. 1963, Ch. 756.)

4630. (Repealed by Stats. 1963, Ch. 756.)

4631. (Repealed by Stats. 1963, Ch. 756.)

4632. (Repealed by Stats. 1963, Ch. 756.)

4633. (Repealed by Stats. 1963, Ch. 756.)

4634. Instead of letting contracts for the sewer work or improvement, the city may itself construct or complete the sewer work or improvement, and buy the necessary materials, and employ the necessary labor.

(Amended by Stats. 1963, Ch. 756.)

4635. (Repealed by Stats. 1963, Ch. 756.)

4636. The governing body of each city in which sewer work or improvement is being made or acquired pursuant to this chapter may make all needful rules and regulations for carrying out and maintaining the sewer work or improvement, and may appoint all agents, superintendents, and engineers necessary properly to look after the construction and operation of the sewers. However, in any city operating under a charter framed pursuant to Section 8 of Article XI of the Constitution of the State which has a board or department of public works, the powers and duties of the governing body which are stated in this section may be exercised and performed by the city board or department of public works.

(Amended by Stats. 1963, Ch. 756.)

4636.7. (Added by Stats. 1939, Ch. 1124; repealed by Stats. 1963, Ch. 756.)

4636.8. The city may contract with the federal government of the United States or any branch of it, or with any county, city and county, municipal corporation, district, or other public corporation, or with any person, firm, or corporation, for the joint acquisition or construction or use of any sewer work or improvement to serve the district and such other area as may be designated in the contract, when, in the judgment of the governing body of the city, it is for the best interests of the district so to do. Any such contract may provide for the acquisition, construction, or maintenance of such sewer work or improvement and for the payment by or for the parties to the contract of such proportionate part of the cost of such acquisition, construction, or maintenance as may be stated in the contract. The payments shall be made at such times and in such amounts as may be provided by said contract. Any such

contract may provide for the joint use of any sewer work or improvement upon such terms and conditions as may be agreed upon by the parties to the contract, and for the flowage, treatment, or disposal of sewage, industrial waste, surface water, or storm water from such area for each of the parties to the contract as may be described in the contract.

Any city which has acquired or constructed, or which proposes to acquire or construct, any sewer work or improvement for the benefit of a district may contract with the federal government of the United States or any branch of it, or with any county, city and county, municipal corporation, district, or other public corporation, or with any person, firm, or corporation for the use of any such sewer work or improvement by any such county, city and county, municipal corporation, district, or other public corporation, or for the flowage, treatment or disposal of sewage, industrial waste, surface water, or storm water from any area designated by such person, firm, or corporation so contracting, upon such terms and conditions as may be provided in the contract.

(Added by Stats. 1949, Ch. 843; amended by Stats. 1963, Ch. 756.)

Article 5. Taxation and Finance

4638. Until the bonds are paid, or until there is a sum in the city treasury set aside for the purpose, sufficient to meet all sums coming due for the principal and interest on the bonds, the city governing body shall, at the time of fixing, and in the manner provided for the general city tax levy, levy and collect each year upon the taxable property situated in the district, and upon that property only, a tax sufficient to pay the interest on the bonds as it falls due, and also such part of the principal as will become due before the proceeds of a tax levied at the next general tax levy will be available. However, if the maturity of the indebtedness created by the issuance of the bonds, or any series of the bonds, is made to begin more than two years after date of the bonds or such series, the tax shall be levied and collected annually, sufficient to pay the interest on the indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal on or before maturity.

(Amended by Stats. 1963, Ch. 756.)

4639. The taxes required to be levied and collected by Section 4638 shall be in addition to all other taxes levied for city purposes and in addition to the taxes levied pursuant to Section 4640. The proceeds of such taxes shall be used for no purpose other than the payment of the principal and interest due on the bonds or series of the bonds.

(Amended by Stats. 1963, Ch. 756.)

4639.5. Chapter 5 (commencing with Section 5400), Division 6, Title 1 of the Government Code shall apply to bonds issued pursuant to this chapter, except that the proceeds re-

ferred to in Section 5404 of the Government Code shall be used only for some purpose which is of special benefit to the district including, but not limited to, the payment of or reimbursement for such of the cost and expenses listed in Section 4625 as have already been paid or incurred for the benefit of the district and which could have been included in determining the amount of bonds to be issued, or the payment of principal of or interest on bonded indebtedness previously incurred on behalf of the district.

(Added by Stats. 1963, Ch. 756.)

4640. The governing body of the city may, at the time of fixing and in the manner provided for the general city tax levy, levy and collect in any year upon the taxable property in the district, and upon that property only, a tax not to exceed twenty cents (\$0.20) on each one hundred dollars (\$100) of assessed valuation, for any of the following purposes:

(a) Paying the costs of maintenance and operation of any sewer work or improvement done for the benefit of the district.

(b) Paying the costs and expenses of any sewer work or improvement for the benefit of the district or any addition to or improvement of the sewer work or improvement previously done for the benefit of the district.

(c) Paying or reimbursing the city for any of the costs and expenses listed in Section 4625 not previously paid or reimbursed.

The taxes levied pursuant to this section shall be in addition to all other taxes levied for city purposes and in addition to the taxes levied pursuant to Section 4639 and the proceeds thereof shall be used for no purpose other than the purposes permitted by this section.

(Added by Stats. 1963, Ch. 756.)

Article 6. Annexation

(Article 6 added by Stats. 1957, Ch. 1400)

4641. Territory which is either within or without the boundaries of the city and which is not within the boundaries of any other sewer district formed pursuant to this chapter may be annexed to any existing sewer district by the governing body of the city.

(Added by Stats. 1957, Ch. 1400; amended by Stats. 1963, Ch. 756.)

4641.5. Territory which is outside the boundaries of the city, or the initiating city, as the case may be, shall not be annexed unless the governing body of the city within which such outside territory is situated, or, in the case of unincorporated territory, the board of supervisors of the county in which such territory is situated, consents to such annexation by resolution adopted at any time prior to the conclusion of the hearing which is provided for by Section 4646 on the annexation. Any district which as a result of any annexation includes territory not solely within the boundaries of a single

city shall thereafter be deemed to be a district formed pursuant to Article 2a (commencing with Section 4614.1) of this chapter even though it was not originally formed pursuant to that article.

(Added by Stats. 1963, Ch. 756.)

4642. Whenever the governing body of the city determines and finds that additional territory will be benefited by annexation to the district, it may pass a resolution to that effect.

(Added by Stats. 1957, Ch. 1400; amended by Stats. 1963, Ch. 756.)

4643. The resolution shall be passed by a vote of two-thirds of all the members of the governing body of the city.

(Added by Stats. 1957, Ch. 1400; amended by Stats. 1963, Ch. 756.)

4644. The resolution shall do all of the following:

(a) Describe the boundaries of the territory proposed to be annexed.

(b) Designate the proposed annexation by an appropriate number.

(c) Declare that the area to be annexed to the district will be benefited by such annexation.

(d) Name the time and place for the hearing of objections by any person interested in the proposed annexation, to the inclusion in the district of any land described in the resolution.

(Added by Stats. 1957, Ch. 1400; amended by Stats. 1963, Ch. 756.)

4645. The resolution, together with the names of the members of the governing body voting for and against it, shall be published, posted, and mailed as provided in Sections 4610 and 4610.5, except that in applying such sections the word "district" shall mean the territory proposed to be annexed.

(Added by Stats. 1957, Ch. 1400; amended by Stats. 1963, Ch. 756.)

4646. On the day fixed for the hearing, or any day to which the hearing is continued, the governing body shall hear and consider any objections presented to the annexation of the **territory** to the district or to the inclusion of any territory proposed to be annexed. At the hearing the governing body shall exclude from the proposed annexation any territory which in its opinion will not be benefited by such annexation.

(Added by Stats. 1957, Ch. 1400; amended by Stats. 1963, Ch. 756.)

4647. After making all necessary and proper changes in the boundaries, the governing body may, by a resolution passed by a two-thirds vote of all its members order the annexation to the district of all or such part of the territory originally proposed to be annexed as the governing body determines will be benefited by such annexation and shall describe the boundaries of the territory annexed. This resolution, together with the names of the members of the governing body voting for and against the resolution, shall be spread upon the minutes of the governing body. Certified copies of the resolution shall be re-

corded and filed in the manner and with the same force and effect as provided in Section 4613.

(Added by Stats. 1957, Ch. 1400; amended by Stats. 1963, Ch. 756.)

4648. Upon the recordation of such resolution the territory annexed is a part of the district and is subject to all the liabilities and entitled to all the benefits of the district.

(Added by Stats. 1957, Ch. 1400; amended by Stats. 1963, Ch. 756.)

CHAPTER 2. SEWER DISTRICTS, ACT OF 1899

(Chapter 2 repealed by Stats. 1959, Ch. 1309)

NOTE: Stats. 1959, Ch. 1309, which repealed Chapter 2, provided as follows:

Notwithstanding the repeal effectuated by this act, the organization, existence, and powers of any district heretofore created by or organized pursuant to the provisions of the chapters or acts which are repealed shall remain unaffected by such repeal, and any such district shall continue to exist and may exercise any of the powers conferred upon it by the statute under which it was formed. No district shall be created or organized pursuant to said chapters or acts after the effective date of this act.

* 4659. This chapter may be cited as the Sewer Districts in Unincorporated Territory Act.

(Added by Stats. 1943, Ch. 765.)

* 4660. Whenever one-third of the voters resident in any unincorporated territory in a county desire the formation of a sewer district, they shall file a petition with the board of supervisors of the county. The petition shall describe the exterior boundaries of the proposed district and shall pray for the formation of a sewer district. Upon the filing of such a petition the board of supervisors shall set a day for a hearing of any and all objections by all or any persons interested in the formation of such sewer district, and shall publish a notice of the petition, time and place of hearing, and a description of the exterior boundaries of the proposed district for 10 days in some daily paper in the nearest municipal corporation, if there is one, if not, publication shall be made weekly for two successive weeks in a weekly paper published in the nearest municipality.

(Amended by Stats. 1939, Ch. 1124.)

* 4661. On the day fixed for the hearing or any day to which the hearing is adjourned the board of supervisors shall hear and consider any objections presented to the formation of the district or to the inclusion of any lands in the district. After the hearing of the objections, if it shall be determined by a vote of two-thirds of all the members of the board of supervisors that the public interest requires the formation of the district, the board of supervisors shall proceed to fix and determine the boundaries. After making all necessary and

* NOTE: Chapter 2, consisting of Sections 4659-4671, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 2.

proper changes in the boundaries, by a resolution passed by a vote of two-thirds of all its members, the board of supervisors shall establish such sewer district and permanently fix and determine its boundaries. This resolution, together with the names of the members of the board of supervisors voting for and against the resolution, shall be spread upon the minutes of the board of supervisors.

(Amended by Stats. 1939, Ch. 1124.)

* 4662. After the formation of the sewerage district, the board of supervisors may lay out and construct sewers therein, and provide for making connections with the sewer by property holders and other persons resident within the district, and for the maintenance and extension of the sewerage district. The board of supervisors shall compel property holders to connect all buildings with the sewers.

* 4663. Whenever a sewerage district is formed under this chapter of territory adjacent to any city having a sewerage system, the district sewerage system shall be connected with and have its outlet through the city sewerage system; but no connection can be made or maintained with the city sewerage system of any city without the consent of the city governing body.

* 4664. When connection is made with the city sewer system, the board of supervisors, from the funds collected from the taxes levied under this chapter, shall pay to the city annually the sum of money that is fixed as charges by the board of supervisors and the city governing body for the privilege of connecting and maintaining connection with the city sewer system. This amount may vary from year to year as the board of supervisors and the city governing body deem reasonable.

* 4665. At the time of making each tax levy subsequent to the formation of the district, the board of supervisors shall levy such an amount of taxes upon the taxable property of the district as the board deems necessary for carrying out the provisions of this chapter and for the purposes of the district. The taxes shall be collected in the same manner as county taxes are collected. The board of supervisors shall provide in the levy for assessing and collecting a sufficient amount of money to pay to any city whose sewers shall be connected with pursuant to this chapter the amount fixed as charges for the privilege of connecting with the city sewerage system.

* 4665.5. As an alternate or supplemental method of raising the money to carry out the provisions of this chapter the board of supervisors may fix and collect use taxes, fees, tolls or charges for the use of facilities or lines maintained or operated by the district sufficient in amount to pay for the expenses, or a portion thereof, of the district in maintaining, operating, and repairing any works, lines, or improvements of the district and

* NOTE: Chapter 2, consisting of Sections 4659-4671, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 2.

to defray all other expenses incidental to the exercise of any of the district's powers, including a sufficient amount of money, or a portion thereof, to pay to any city whose sewers shall be connected with pursuant to this chapter, the amount fixed as charges for the privilege of connecting with the city sewerage system or having the city maintain the sewer lines in the streets and public easements.

(Added by Stats. 1951, Ch. 1501.)

* 4665.6. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727; amended by Stats. 1963, Ch. 1715. See note following Section 954.)

* 4666. Before the first day of March preceding the fiscal year for which the charge is made, the city governing body shall fix, and notify the board of supervisors of, the amount of the charge.

* 4667. The district may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation, for the joint acquisition or construction or use of any sewer or sewers or other works or facilities for the handling, treatment or disposal of sewage or industrial waste from the district and such other area as may be designated in said contract, when in the judgment of the legislative body of said district it is for the best interests of the district so to do. Any such contract may provide for the construction and maintenance of such sewer or sewers, or such other works or facilities, and for the payment by or for the parties thereto of such proportionate part of the cost of the acquisition, construction or maintenance of such sewer or sewers or other works or facilities as may be stated in said contract, the payments to be made at such times and in such amounts as may be provided by said contract. Any such contract may provide for the joint use of any sewer or sewers, works or facilities for the handling, treatment or disposal of sewage or industrial waste upon such terms and conditions as may be agreed upon by the parties thereto, and for the flowage, treatment or disposal of sewage or industrial waste from such area for each of the parties thereto as may be described in the contract.

Any district which has acquired or constructed or which proposes to acquire or construct, any sewer or sewers, or works or other facilities for the handling, treatment or disposal of sewage or industrial waste, may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or cor-

* NOTE: Chapter 2, consisting of Sections 4659-4671, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 2.

poration for the use of any such sewer or sewers, works or facilities by any such county, city and county, municipal corporation, district or other public corporation, or for the flowage, treatment or disposal of sewage or industrial waste from any area designated by such person, firm or corporation so contracting, upon such terms and conditions as may be provided in said contract.

(Added by Stats. 1949, Ch. 843.)

* 4668. Unincorporated territory situated within the same county and which is contiguous to a district formed under this chapter, and not included in any other district formed for similar purposes, may be annexed to an existing district, if the board of supervisors finds and determines that the additional territory will be benefited by annexation and that the district will be benefited by the inclusion of the territory therein.

(Added by Stats. 1957, Ch. 1400.)

* 4669. Whenever one-third of the voters resident in any unincorporated territory in a county desire to annex territory to an existing sewer district within the county, formed pursuant to this chapter, they shall file a petition with the board of supervisors of the county. The petition shall describe the exterior boundaries of the area proposed to be annexed and shall pray for the annexation of said territory. Upon the filing of such a petition the board of supervisors shall set a day for a hearing of any and all objections by any persons interested in the annexation of the described territory to such sewer district, and shall publish a notice of the petition, time and place of hearing, and a description of the exterior boundaries of the territory proposed to be annexed for 10 days in some daily newspaper in the nearest municipal corporation, if there is one, if not, the publication shall be made weekly for two successive weeks in a weekly paper published in the nearest municipality.

(Added by Stats. 1957, Ch. 1400.)

* 4670. On the day fixed for the hearing or any day to which the hearing is adjourned the board of supervisors shall hear and consider any objections presented to the annexation of the territory described in the petition to the district. After the hearing of objections, if it shall be determined by a vote of two-thirds of all the members of the board of supervisors that the territory will be benefited by the annexation and that the district will be benefited by the annexation of the territory, the board of supervisors shall proceed to fix and determine the boundaries of the area to be annexed. After making all necessary and proper changes in the boundaries, by a resolution passed by a vote of two-thirds of all its members, the board of supervisors shall order the annexation and shall set forth the boundaries of the territory to be annexed. This resolution, together with the names of the members of the board of super-

* NOTE: Chapter 2, consisting of Sections 4659-4671, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 2.

visors voting for and against the resolution, shall be spread upon the minutes of the board of supervisors.

(Added by Stats. 1957, Ch. 1400.)

* 4671. Whenever any territory situated within the same county is annexed to a district it thereupon becomes a part of the district and is subject to all the liabilities and entitled to all the benefits of the district.

(Added by Stats. 1957, Ch. 1400.)

4675. See 4765.

CHAPTER 3. COUNTY SANITATION DISTRICTS

Article 1. General Provisions

4700. This chapter shall be known and cited as the "County Sanitation District Act."

4701. "District," as used in this chapter, means any county sanitation district formed pursuant to this chapter or pursuant to any law which it supersedes.

4702. "District board," as used in this chapter, means the board of directors of a district.

4703. Districts may be formed, maintained, and governed in any county as provided in this chapter.

4704. Districts formed or proposed to be formed under this chapter are not subject to the "District Investigation Act of 1933" (commencing with Section 58500 of the Government Code.).

(Added by Stats. 1945, Ch. 1351; amended by Stats. 1947, Ch. 645, and by Stats. 1963, Ch. 278.)

Article 2. Formation

4710. A board of supervisors desiring to form a county sanitation district shall adopt a resolution of its intention to do so. The resolution shall contain all of the following:

(a) A statement of the intention to form a district.

(b) The boundaries of the proposed district or some other designation of its territorial extent.

(c) The name of the proposed district.

(d) The time and place where objections to the formation of the district or to its extent will be heard.

(e) Instructions to the clerk of the board to publish the resolution and notices of hearing.

(f) When the proposed district includes parcels of noncontiguous territory, a statement that the proposed district will be in accordance with the master plan of county sanitation service as adopted by the board of supervisors or if the county has not adopted such a master plan then a statement that the proposed district is within the same watershed. Watershed as used

* NOTE: Chapter 2, consisting of Sections 4659-4671, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 2.

in this section means to include only that area drained by gravity to the trunk sewer or sewers.

(Amended by Stats. 1961, Ch. 2130.)

4711. The district as formed may include unincorporated or incorporated territory, or both. The incorporated territory included in the district may include the whole or part of one or more cities. However, less than the whole of a city shall not be included in the district except by the vote of a majority of the governing body of the city.

The district shall not include the whole or any part of any other district formed for similar purposes unless the governing body of such other district shall consent thereto and the board of supervisors, after a hearing, shall find and determine by resolution duly adopted that the proposed inclusion of the whole or part of such other district within the sanitation district is in the public interest and the territory affected will benefit thereby.

Notice of such hearing shall be given by publication in at least two successive issues, not more than 30 nor less than 10 days prior to the hearing, in a newspaper of general circulation published within the county.

(Amended by Stats. (1st Ex. Sess.) 1946, Ch. 62, and by Stats. 1947, Ch. 1376.)

4711.5. The land proposed to be formed into a district need not consist of contiguous parcels.

(Added by Stats. 1961, Ch. 2130.)

4712. The time to be fixed for the hearing of objections shall be not less than 30 days after the adoption of the resolution. The hearing shall be held at the regular meeting place of the board of supervisors or else at some place in the proposed district.

(Amended by Stats. 1939, Ch. 596.)

4713. Prior to the time of hearing, the resolution shall be published at length twice in at least one newspaper of general circulation in the proposed district and brief notices of the passage of the resolution and the time and place of the hearing may be published in one or more daily or weekly newspapers published and circulated in the proposed district.

(Amended by Stats. 1939, Ch. 596.)

4714. At the time provided in the resolution of intention or at any time to which the hearing is continued, the board of supervisors shall hear any objections to the formation of the district or to its extent. At the hearing the board of supervisors may exclude any territory that in its opinion will not be benefited by being in the district.

4714.5. If the board of supervisors finds that protests have been made, prior to its final determination for formation of the district, by the owners of real property within the proposed district the assessed value of which, as shown by the last equalized assessment roll, constitutes more than one-half of the total assessed value of the real property within the proposed district, the proceeding shall terminate. The board of supervisors

shall order the proceeding terminated when such protests are received.

(Added by Stats. 1959, Ch. 152.)

4715. If written objection to the formation of the district, signed by 5 percent of the voters registered in the district if the district contains less than 2001 registered voters, or by 2 percent of the registered voters, but not less than 100 registered voters, if the district contains 2001, or more, registered voters, is filed with the board, it shall, and in any event it may, either adopt an order abandoning the formation of the proposed district or order the matter of the formation of the district with the boundary lines determined at the close of the hearing submitted to the voters of the proposed district at an election.

(Amended by Stats. 1959, Ch. 566.)

4716. At the election only voters registered in the proposed district may vote. Election precincts shall be established by the board of supervisors, and precinct boards, composed of one inspector, one judge, and one clerk, shall be appointed. At least one week prior to the election, notice of the election shall be given by publication in a newspaper of general circulation in the proposed district. In other particulars the election shall be conducted in the manner ordered by the board of supervisors.

4717. At the conclusion of the hearing, or if an election is held and the canvass of the election returns shows that a majority of all the votes cast in the entire proposed district and that a majority of the votes cast on the question in each city or part thereof in the proposed district were in favor of the formation of the district, the board of supervisors may, if it deems best, make an order forming the district.

(Amended by Stats. 1939, Ch. 596.)

4718. The order of formation shall contain the name of the district, and a description of the boundaries or otherwise indicate its territory. The order is conclusive evidence of the regularity of all prior proceedings, except the adoption and publication in full of the resolution of intention and of the fact of the hearing.

Article 2.5. Consolidation

(Article 2.5 added by Stats. 1955, Ch. 675)

4720. Two or more districts may be consolidated into a single district as provided in this article.

(Added by Stats. 1955, Ch. 675.)

4721. If, in the judgment of each of the district boards, it is for the best interest of the district that it be consolidated with one or more other districts, the district board of each district shall so declare by resolution which shall contain the following:

(a) A statement of the facts requiring consolidation.

(b) A declaration of the advisability of consolidation and the willingness of the district board to consolidate.

(c) The name for the consolidated district agreed upon by the boards.

(Added by Stats. 1955, Ch. 675.)

4722. A certified copy of the resolution of each of the district boards shall be filed with the board of supervisors of the county in which the districts are located.

(Added by Stats. 1955, Ch. 675.)

4723. Upon the filing of the certified copy of the resolution of each district board the board of supervisors shall order a hearing to be held upon the consolidation of the districts by resolution which shall contain:

(a) A statement that the district boards of _____ (naming the districts) have filed certified copies of resolutions declaring the desirability of consolidation.

(b) The name of the proposed consolidated district.

(c) The time and place where objections to the proposed consolidation will be heard, which shall not be more than 40 days after the adoption of the resolution.

(d) A statement that at said time and place any person interested, including any owner of real property in any one of the districts proposed to be consolidated, will be heard on all questions material to the proposed consolidation.

(Added by Stats. 1955, Ch. 675.)

4724. Notice of hearing shall be given by publishing the resolution pursuant to Section 6066 of the Government Code in a newspaper of general circulation in each district proposed to be consolidated and by posting a copy of said resolution in three public places in each district at least two weeks before the time fixed for said hearing.

(Added by Stats. 1955, Ch. 675; amended by Stats. 1957, Ch. 357.)

4725. At the time provided in the order of hearing, or at any time to which the hearing is continued, the board of supervisors shall hear any objections to the proposed consolidation. If written objection to the proposed consolidation signed by more than 5 percent of the voters registered in any of the districts proposed to be consolidated is filed with the board it shall, and in any event it may, either adopt an order abandoning the proposed consolidation, or order the proposed consolidation submitted to the voters of the proposed consolidated district at an election, and fix the day for such election.

(Added by Stats. 1955, Ch. 675; amended by Stats. 1959, Ch. 566.)

4726. At the election only voters registered in the proposed consolidated district may vote. The board of supervisors shall provide for the holding of said election on the day so fixed, shall establish election precincts, shall appoint precinct boards which shall consist of one inspector, one judge and one clerk, and shall order the other particulars of conducting the election. Notice shall be given by publication pursuant to Section 6066

of the Government Code of the order calling and providing for the holding of said election in a newspaper of general circulation in each district proposed to be consolidated and by posting a copy of said order in three public places in each district at least two weeks before said election.

(Added by Stats. 1955, Ch. 675; amended by Stats. 1957, Ch. 357.)

4727. At the conclusion of the hearing, or if an election is held and the canvass of the election returns shows that a majority of the votes cast in each of the districts proposed to be consolidated on the question were in favor of the consolidation, then upon completion of the canvass of the election returns, the board of supervisors may, if it deems best, make an order forming the consolidated district which shall contain the name of the new district and such consolidation shall be effective as of the date of said order. No irregularities or informalities in conducting the election shall invalidate the same if the election shall have been fairly conducted. The order of consolidation is conclusive evidence of the regularity of all prior proceedings except the adoption and publication of the resolution ordering the hearing and the fact of the hearing. Any action or proceedings wherein the validity of the consolidation, or any of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such order of consolidation. Otherwise said consolidation and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

(Added by Stats. 1955, Ch. 675.)

4728. The taxable real property within each district, consolidated as provided in this article, or within each improvement district therein, as the case may be, shall remain liable to be taxed for the payment of the bonds of such district and the interest thereon, or the bonds of such improvement district and the interest thereon and any other indebtedness, obligation or liability outstanding on the date of consolidation as if said district had not been consolidated. Unsold bonds of any district, consolidated as provided in this article, or of any improvement district therein, may be issued by the consolidated district, but the proceeds shall be applied as if said district had not been consolidated.

(Added by Stats. 1955, Ch. 675.)

Article 3. Officers

4730. The governing body of a sanitation district is a board of directors of not less than three members. The presiding officer of the governing body of each city, the whole or part of which is included in the sanitation district, is a member of the board. A member of the governing body of each sanitary district, the whole or part of which is included in the sanitation district, is a member of the board.

If the sanitation district includes territory which is unincorporated and not included in a sanitary district, then the

presiding officer of the county board of supervisors is a member of the board.

The governing body of each city and the board of supervisors shall each select one of its members, other than its presiding officer, as an alternate director to act as a member of the district board in place of the presiding officer during his absence, inability or refusal to act.

If the sanitation district includes unincorporated territory and all or part of one city and no sanitary district, or unincorporated territory and one sanitary district and no city, then the presiding officer and one other member of the board of supervisors are members of the board, unless the population included in the city or sanitary district is more than half of the population of the whole sanitation district, in which case the presiding officer of the board of supervisors and the presiding officer and one other member of the governing body of the city or two members of the governing body of the sanitary district, as the case may be, constitute the board of directors.

If the total number of cities and sanitary districts included in the sanitation district in whole or in part is two and if the sanitation district does not include any territory not in cities or sanitary districts, then the district board includes the presiding officer and one other member of the governing body of the city or two members of the governing body of the sanitary district having the greatest population and the presiding officer of the governing body of the city or one member of the governing body of the sanitary district having the least population.

If the total number of cities and of sanitary districts wholly or in part within the sanitation district is two or more, and if, in addition, the district contains unincorporated territory, then the district board includes the presiding officer of the board of supervisors, the presiding officer of the governing board of each city, and a member of the governing board of each sanitary district.

If the district includes no territory which is in cities or sanitary districts, then the county board of supervisors is the board of directors of the district.

If the territory of the district lies wholly within a city, the legislative body of said city is the board of directors of the district.

A city within a sanitation district, the sewered portion of which city lies entirely within a sanitary district, shall have no representation on the board.

Notwithstanding the foregoing provisions of this section, whenever a sanitation district includes unincorporated territory and all or part of one city and no sanitary district, the governing body of such city may designate the board of supervisors of the county as the district board of directors, unless the population of the incorporated portion of the sanitation district is more than half of the population of the whole district. If the population of the incorporated portion of the

sanitation district is more than half of the population of the whole district, the board of supervisors of the county may designate the governing body of the city as the district board of directors.

The term "sanitary district" as used in this section shall mean a sanitary district formed prior to the formation of the sanitation district in which it is included in whole or in part.

(Amended by Stats. 1939, Ch. 596, by Stats. 1947, Ch. 1428, by Stats. 1949, Ch. 882, by Stats. 1951, Ch. 1076, by Stats. 1955, Ch. 1636, and by Stats. 1959, Ch. 1079.)

4730.1. Notwithstanding the provisions of Section 4730, the resolution of intention to form the district and the order of formation of the district may provide that the governing body of the sanitation district shall be constituted in accordance with this section.

The governing body of a sanitation district is a board of directors composed of an odd number of not less than three (3) members.

If the district includes no territory which is within a city, other sanitation district or public agency, the county board of supervisors is the board of directors.

If the district includes territory which is within a city or other sanitation district or public agency, the board of directors shall be composed of the presiding officer of the governing body of each such city, other sanitation district and public agency and the chairman of the county board of supervisors. If the chairman of the county board of supervisors and the presiding officer of the governing body of each such city, sanitation district and public agency constitute an even number, a member of the county board of supervisors appointed by said board of supervisors shall be a member of the board of directors of the district.

The governing body of each county, city, sanitation district and public agency having a representative on said board of directors may designate one of its members to act in the place of its regular member in his absence, inability or refusal to act.

The governing body of any such city, sanitation district or other public agency may designate a member of the county board of supervisors to serve as its representative member on the board of directors of the district in the place of the presiding officer of its governing body, in which case such supervisor shall have one vote for each such city, sanitation district and public agency represented by him.

"Public agency" as used in this section means any sanitary district, public utility district, resort district, county water district, municipal water district, sewer maintenance district or county maintenance district, engaged in the collection, transportation, treatment or disposal of sewage or any other public agency empowered to and engaged in the collection, transportation, treatment or disposal of sewage.

(Added by Stats. 1961, Ch. 1745.)

4730.2. A sanitation district heretofore or hereafter established may elect to be governed by a board of directors constituted as set forth in Section 4730.1 by complying with the provisions of this section.

The board of directors of the district may adopt a resolution of intention to establish a governing body in accordance with Section 4730.1. The resolution shall contain:

1. A statement of intention to establish a board of directors composed of representatives as set forth in Section 4730.1 of the Health and Safety Code.

2. The time and place where objections to the proposal will be heard.

The time fixed for hearing said objections shall be not less than 30 days after the adoption of the resolution. The resolution of intention shall be published at length twice in at least one newspaper of general circulation in the district. At the time provided in the resolution of intention for the hearing, or at any time to which the hearing is continued, the district board shall hear any objections to the proposal. At the conclusion of the hearing, the board of directors may order that the governing body of the district be constituted as set forth in Section 4730.1. A copy of said order shall be furnished to the board of supervisors and to the governing body of each city, sanitation district and public district to be represented on the new board of directors.

(Added by Stats. 1961, Ch. 1745.)

4731. If additional territory is annexed to the district as well as whenever any change takes place in the character of the territory, by the incorporation of a city or otherwise, resulting in a condition which makes it necessary for a change to be made in the membership of the district board, the change in the membership of the district board takes place and becomes effective immediately.

4732. The county auditor of the county in which the district is formed is ex officio the auditor of the district.

4733. The district board shall have power to fix the amount of compensation per meeting to be paid each member of the board for his services for each meeting attended by him; provided, that said compensation shall not exceed twenty-five dollars (\$25) for each meeting of the district board attended by him, not to exceed fifty dollars (\$50) in any one month, together with expenses necessarily incurred by him in traveling between his place of residence and the place of meeting. The compensation herein mentioned shall be in addition to any other fees or compensation allowed by law for the other official positions mentioned in Section 4730 that are occupied by members of said district board.

(Amended by Stats. 1947, Ch. 613, and by Stats. 1953. Ch. 296.)

4734. Where two or more county sanitation districts have joined in the purchase, ownership, use, construction, maintenance, or operation of a sewerage system or sewage disposal

or treatment plant or a refuse transfer or disposal system, or both, either within or without the districts, or have so joined for any combination of these purposes, as provided in Section 4742, and the districts hold their meetings jointly and such meetings are presided over by a director of one of the districts acting as joint chairman for and on behalf of the joint organization, each district so participating may pay the joint chairman the same compensation as a director of such district is paid.

(Added by Stats. 1963, Ch. 405.)

Article 4. District Powers

4738. A county sanitation district may sue and be sued by its own name.

(Added by Stats. 1951, Ch. 1000.)

4739. A county sanitation district may employ such sanitation experts, surveyors, counsel, and other persons as are needed to carry into effect any powers of the district.

4740. The district may acquire by gift, purchase, condemnation, or otherwise, in the name of the district, and own, control, manage, and dispose of any interest in real or personal property necessary or convenient for the construction, maintenance, and operation of a sewerage system and sewage disposal or treatment plant, or a refuse transfer or disposal system, or both. As used in this article "refuse" shall include all of the following: (a) animal, fruit and vegetable refuse; (b) offal; (c) leaves and cuttings, trimmings from trees, shrubs and grass; (d) inorganic refuse and rubbish; (e) garbage; (f) anything thrown away as worthless.

(Amended by Stats. 1949, Ch. 721, and by Stats. 1957, Ch. 168. In effect April 23, 1957.)

4741. It may acquire, construct and complete within or without the district, sewage collection, treatment and disposal works, including sewage treatment plants, outfalls, intercepting, collecting and lateral sewers, pipes, pumps, machinery, easements, rights-of-way, and other works, property or structures necessary or convenient for sewage collection, treatment and disposal. No such sewerage system shall be constructed, maintained, or operated in any city not in the district except by consent granted by an affirmative vote by a majority of the full membership of the governing body of the city; provided, however, that the district may construct, operate and maintain intercepting, trunk and outfall sewerlines, other than ocean outfall lines and other terminal outfall lines, together with pumps and like machinery necessary for sewage transportation, in a city pursuant to Section 4759.1 of this article. For the purposes of this section the term "terminal outfall lines" means any outfall sewerlines that discharge within the city any effluent from a sewer treatment plant or any sewage.

It may also acquire lands and acquire and construct refuse transfer or disposal facilities, or both, within or without the district, and it may maintain and operate within the district boundaries a system for transfer or disposal of refuse, or both; provided, however, that such system shall not include "refuse collection" which is defined as the house-to-house pickup of refuse or any part thereof.

A district shall not acquire land for, or establish and operate a refuse transfer or disposal facility within either a city or the unincorporated area of a county until the city council, if the facility is proposed to be located in the city, or the board of supervisors of the county, if it is proposed to be located in the unincorporated area of the county, has by resolution, consented to the use of the proposed site for that purpose.

If 90 percent or more of the total area of the district is unincorporated territory, and the land proposed to be acquired for a refuse transfer or disposal facility is located in the unincorporated territory of the county, the board of supervisors shall, before adopting any resolution consenting to the use of land for that purpose, hold a public hearing upon the question of the adoption of the resolution. Notice of such hearing shall be given by publication in the area pursuant to Section 6066 of the Government Code, not more than 30 nor less than 10 days prior to the hearing. If at any time before the hearing, there is filed with the board of supervisors a written objection to the use of the proposed site for a refuse transfer or disposal facility, signed by 2 percent or more of the registered voters of the district, the board shall submit the matter of the proposed use to the voters of the district at an election. The proposition shall be submitted to the voters in the manner and under the procedure prescribed in Article 5 of this chapter for submission of the proposition of incurring a bonded indebtedness. If a majority of the votes cast in such an election are in favor of the proposed use the board shall adopt the resolution consenting thereto, but if a majority of the votes cast are against the proposed use the board shall dismiss the proceedings, and no resolution consenting to the use of any of such land shall be adopted by the board for at least one year from the date of the election.

(Amended by Stats. 1949, Ch. 168 and Ch. 721, and by Stats. 1953, Ch. 1495; repealed and added by Stats. 1957, Ch. 168; amended by Stats. 1961, Ch. 989 and by Stats. 1963, Ch. 530.)

4741.1. A district board desiring to construct, maintain and operate a refuse transfer or disposal system, or both, within or without the district in addition to its sewage collection, treatment and disposal system shall adopt a resolution of its intention to do so. The resolution shall contain the following:

(a) A statement of the intention to construct, maintain and operate a refuse transfer or disposal system, or both;

(b) A statement that in the absence of any exclusion as provided in Section 4741.2, the boundaries of the proposed refuse transfer or disposal system, or both, shall coincide with the existing district boundaries;

(c) The name of the county sanitation district proposing to construct, maintain and operate said system;

(d) Instructions to the secretary of the district board to deliver within 10 days after the passage of said resolution of intention a certified copy thereof to the governing body of each political subdivision having representation on said district board;

(e) A statement that any political subdivision having representation on the district board may be excluded from said system and relieved of all liability in connection therewith upon complying with the provisions of Section 4741.2.

(Added by Stats. 1953, Ch. 1495; repealed and added by Stats. 1957, Ch. 168. In effect April 23, 1957.)

4741.2. That portion of a political subdivision lying within a district and having representation on the district board of directors, shall be excluded from the proposed refuse transfer or disposal system, or both, and shall not be liable for any cost incurred by said district in acquiring, constructing, operating and maintaining such system; provided, that the governing body of said political subdivision within 90 days after passage of the resolution of intention by the district to form such system, delivers to said district a certified copy of its resolution requesting exclusion from the proposed refuse transfer or disposal system, or both.

(Added by Stats. 1953, Ch. 1495; repealed and added by Stats. 1957, Ch. 168. In effect April 23, 1957.)

4741.3. At the expiration of not less than 90 days after adoption of the resolution of intention to construct, maintain and operate a refuse transfer or disposal system, or both, the district board may, in its discretion, adopt a resolution declaring the system formed or may rescind its resolution of intention to form said system and declare all prior proceedings in connection therewith void.

Any existing refuse collection and disposal system of a district shall be dissolved without further action by the board upon the adoption by the same district board of a resolution declaring a refuse transfer or disposal system, or both, formed.

(Added by Stats. 1953, Ch. 1495; repealed and added by Stats. 1957, Ch. 168. In effect April 23, 1957.)

4741.4. The board of directors of a county sanitation district shall be the same for all district purposes, activities, and objectives, whether for collection, treatment and disposal of sewage or the acquisition and operation of a refuse transfer or disposal system, or both, and no director shall be excluded from the board of directors because the political subdivision

which he represents on the board has excluded itself from the said refuse transfer or disposal system, or both.

(Added by Stats. 1953, Ch. 1495; repealed and added by Stats. 1957, Ch. 168. In effect April 23, 1957.)

4741.5. When a refuse transfer or disposal system, or both, is established by a district pursuant to the provisions of this article, the district shall comply with the provisions of Sections 54900 to 54903, inclusive, of the Government Code, by furnishing a statement and map or plat to each assessor whose roll is used for the levy as provided in Section 4815 of this code and to the State Board of Equalization, showing the boundaries of said refuse transfer or disposal system, or both.

(Added by Stats. 1953, Ch. 1495; repealed and added by Stats. 1957, Ch. 168. In effect April 23, 1957.)

4741.6. The provisions of Sections 4741.1 through 4741.5 shall not apply to any district whose resolution of intention pursuant to Section 4710 discloses that the district was formed for the purposes of constructing, maintaining and operating both sewage collection and disposal systems and refuse collection and disposal systems. Also nothing contained in this chapter shall be construed to preclude any district from using its sewerage system to dispose of ground garbage or other acceptable material which is ground into the form of slurry.

(Added by Stats. 1953, Ch. 1495.)

4742. It may join with any other district, city or other governmental agency in the purchase, ownership, use, construction, maintenance, or operation of a sewerage system or sewage disposal or treatment plant, or a refuse transfer or disposal system, or both, either within or without the district, or so join for any combination of these purposes, but no sewage disposal or treatment plant shall be constructed or maintained in any city not in the district, except by consent granted by the unanimous vote of the governing body of the city.

(Amended by Stats. 1949, Ch. 721, and by Stats. 1957, Ch. 168. In effect April 23, 1957.)

4742.1. It may contract with any district, city, governmental agency, or person, for the handling, treatment or disposal by the district of refuse, sewage, or industrial wastes originating within the district or county or within areas outside of the district or county when, in the judgment of the district board, it is for the best interest of the district to do so, upon such terms and conditions as may be agreed upon; provided, that the contract shall be for such term as agreed upon, but in no event for a term in excess of 50 years, or for such time as in the judgment of the district board the district shall have the capacity for handling, treatment or disposal of such refuse, sewage, or industrial wastes.

(Added by Stats. 1951, Ch. 1000; amended by Stats. 1959, Ch. 1303.)

4742.2. It may make and perform any agreement with any public or private corporation of any kind or any person for

the joint construction, acquisition, disposition, or operation of any property or works of a kind which might be constructed, acquired, disposed of, or operated by the district.

(Added by Stats. 1961, Ch. 1380. In effect July 11, 1961.)

4742.3. Whenever a person installs sewers or other facilities for sewers and the district board determines that it is necessary that such sewers or other facilities be constructed so that they can be or will be used for the benefit of property other than that of the person making the installation and such sewers or other facilities are dedicated to the public or become the property of the district, the district board may by contract agree to reimburse such person for such sewers or other facilities. Such contract may provide that the district may collect from any person using such sewer or other facility for the benefit of property not owned by the person making the installation a reasonable fee or charge.

(Added by Stats. 1961, Ch. 1380. In effect July 11, 1961.)

4743. It may sell, lease, or otherwise dispose of any property of the district or any interest therein whenever it is no longer required for the purposes of the district, or when its use may be permitted without interfering with its use by the district.

4744. It may sell, or otherwise dispose of, any water, sewage effluent, fertilizer, or other by-product resulting from the operation of a sewerage system, sewage disposal plant, refuse disposal plant or process, or treatment plant, and construct, maintain, and operate such pipe lines and other works as may be necessary for that purpose.

(Amended by Stats. 1949, Ch. 721.)

4745. It may construct, maintain, and operate such pipe lines or other works as may be necessary to conserve and put to beneficial use any water or sewage effluent recovered from the operation of the sewerage system, plant, or works, by sale or disposition for agricultural or industrial purposes, or by discharging or spreading the water or sewage effluent in such a manner as to percolate into the underground gravels and replenish the natural water resources.

4746. It may issue bonds.

4746.1. If funds are needed to meet current expenses of maintenance and operation, a district may incur indebtedness by the issuance of negotiable promissory notes pursuant to this section, without an election. The notes shall be general obligations of the district payable in the same manner as bonds of the district, shall mature not later than two years from the date thereof, and shall bear interest at a rate not to exceed 5 percent per annum, payable as provided therein. The aggregate amount of the notes outstanding at any one time shall not exceed an amount equal to seven cents (\$0.07) on each one hundred dollars (\$100) of the assessed valuation of the taxable real property within the district as shown on the last equalized assessment roll of the county. If such assessed valuation is not obtainable, the county auditor's estimate of the

assessed valuation of the taxable real property within the district for the fiscal year in which the indebtedness is to be incurred shall be used.

All such notes shall be issued after the adoption of a resolution by a four-fifths vote of the district board setting forth the following:

- (a) The necessity for such borrowing.
- (b) The assessed valuation of the taxable real property within the district, or the auditor's estimate thereof.
- (c) The amount of funds to be borrowed.
- (d) The date, maturity, denomination, and form of such notes.

The notes shall be signed by the chairman of the district board and countersigned by the auditor of the district and the seal of the district board shall be affixed.

The district board shall cause the board of supervisors to levy and collect taxes to pay the interest on and the principal of the notes as the same comes due and, if the maturity of the notes begins more than one year after the date thereof, to constitute a sinking fund for the payment of the principal thereof at maturity.

Before selling such notes, the district board shall give notice inviting sealed bids in such manner as the board may prescribe. If satisfactory bids are received, the notes offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the district board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the district board may reject all bids received, if any, and either readvertise or sell the notes at private sale.

(Added by Stats. 1959, Ch. 676.)

4747. It may cause to be levied and collected taxes upon all the taxable real property in the district sufficient to meet the obligations evidenced by its bonds, to maintain the works of the district, and to defray all other expenses incidental to the exercise of the district powers.

4748. The district board shall, by resolution, employ one or more sanitation engineers to make a survey of the problems of the district concerning sanitation especially with reference to the matters of sewage collection, treatment, and disposal, and refuse transfer or disposal, or both. The resolution shall direct the engineer or engineers to prepare and file with the district board of the district a report setting forth:

- (a) A general description of existing facilities for sewage collection, treatment, and disposal, or a general description of existing facilities for refuse transfer or disposal, or both.
- (b) A general description of the work proposed to be done to carry out the objects of the district.
- (c) A general plan and general specifications of the work.
- (d) A general description of the property proposed to be acquired or damaged in carrying out the work.
- (e) A map showing the boundaries of the district and in general the location of the work proposed to be done, property

taken or damaged, and any other information useful to an understanding of the proposed work.

(f) An estimate of the cost of the proposed work.

(Amended by Stats. 1949, Ch. 721, and by Stats. 1955, Ch. 707, and by Stats. 1957, Ch. 168. In effect April 23, 1957.)

4749. The engineer or engineers may, subject to the direction of the district board, employ such surveyors and others as may be necessary to prepare the report. The district board at any time may remove any or all engineers or other persons employed, and may fill all vacancies.

4750. When the engineers' report is filed the district board shall examine it and may thereupon (a) reject it and direct that a new report be prepared; (b) direct that changes be made in it; or (c) if it complies with the provisions of this chapter and is satisfactory to the board it shall fix a time and place for hearing objections to the report and to doing all or any part of the work referred to in the report.

4751. Notice of the hearing shall be given by the district board by publishing the notice for at least five times in a daily, or twice in a weekly, newspaper circulated in the district, as the district board may direct. At the time and place so fixed, or at the time and place to which the hearing may be from time to time continued, the board shall hear all objections.

4752. At the conclusion of the hearing the district board shall either order the report changed to conform to some or all the objections made or shall approve and adopt the report as made. If changes in the report are ordered a further hearing shall be had upon it as amended and further hearings shall be had until the district board approves and adopts the report.

4753. The district board may, thereafter, have such portions of the report as are adapted to publication, or a resume, published for free public distribution.

4754. The engineers employed by the district board to make the report required by this chapter, or other engineers, shall be directed by the district board to superintend the doing of the work recommended to be done in the report as approved and adopted.

4755. When the expenditure required for the work exceeds four thousand five hundred dollars (\$4,500), it shall be contracted for and let to the lowest responsible bidder after notice. The notice inviting bids shall set a date for the opening of bids. The first publication or posting of the notice shall be at least 10 days before the date of opening the bids. Notice shall be published at least twice, not less than five days apart, in a newspaper of general circulation, printed and published in the district, or if there is none, it shall be posted in at least three public places in the district that have been designated by the district board as the places for posting such notice. The notice shall distinctly state the work to be done.

In its discretion, the district board may reject any bids presented and readvertise. If two or more bids are the same and

the lowest, the district board may accept the one it chooses. If no bids are received, the district board may have the work done without further bid.

If all bids are rejected, the district board on a resolution adopted by a four-fifths vote may declare that the work can be performed more economically by day labor, or the materials or supplies furnished at a lower price in the open market and may have the work done in a manner stated in the resolution in order to take advantage of this lower cost.

If there is a present or anticipated great public calamity, as an extraordinary fire, flood, storm or other disaster the district board may by resolution adopted by a four-fifths vote declaring that the public interest and necessity demand immediate expenditure of public money to safeguard life, health or property expend any sum required in the emergency without submitting such expenditure to bid.

Cost records of the work shall be kept in the manner provided in Sections 4000 to 4007, inclusive, of the Government Code.

The provisions of this section shall not apply to sewerage maintenance, repair work, or to any uncompleted works under construction by district forces prior to the enactment of this section, and shall not be construed to exempt any work from the provisions of Part 7 (commencing at Section 1720) of Division 2 of the Labor Code.

(Repealed and added by Stats. 1957, Ch. 2123.)

4756. (Repealed by Stats. 1957, Ch. 2123.)

4757. (Repealed by Stats. 1957, Ch. 2123.)

4758. Any work recommended to be done in the report approved and adopted by the district board shall be done in conformity with the general plans and specifications contained in the report unless the district board, by a four-fifths vote, adopts a resolution declaring that the public interest requires a modification of or departure from the plans and specifications, which resolution shall contain a statement of the manner in which the modification is required or departure is to be made.

4759. A right of way in or across any public highway, street, or property in the district is hereby granted to the district wherever the right of way is found by the district board to be necessary or convenient for doing any of the work.

4759.1. (a) There is granted to every district the right to construct, operate and maintain outfall, intercepting and trunk sewerlines, other than ocean outfall lines and other terminal outfall lines, together with pumps and like machinery necessary for sewage transportation, across, along, in, under, over or upon any road, street, alley, avenue or highway within any city, in such a manner as to afford security for life and property. For the purposes of this section the term "terminal outfall lines" means any outfall sewerlines that discharge within the city any effluent from a sewage treatment plant or any sewage. Any use, under this section, of a public highway

now or hereafter constituted a state highway shall be subject to the provisions of Chapter 3 (commencing with Section 660) of Division 1 of the Streets and Highways Code.

(b) A district exercising its rights under this section shall restore the road, street, alley, avenue or highway so used to its former state of usefulness as nearly as may be, and shall locate such sewerlines and machinery so as to interfere as little as possible with other existing uses of such road, street, alley, avenue or highway.

(c) Before any district uses any street, alley, avenue or highway within any city, it shall request the city in which the street, alley, avenue or highway is situated to agree with it upon the location of such sewerlines and machinery and the terms and conditions to which the construction, operation and maintenance of such sewerlines shall be subject.

(d) If the district and the city are unable to agree on the terms and conditions and location of such sewerlines and machinery within three months after a proposal to do so, the district may bring an action in the superior court of the county in which the street, alley, avenue or highway is situated against the city to have the terms and conditions and location determined. The superior court may determine and adjudicate the terms and conditions to which the use of the street, alley, avenue or highway shall be subject, and the location thereof, and upon the making of the final judgment the district may enter and use the street, alley, avenue or highway upon the terms and conditions and at the location specified in the judgment.

(Added by Stats. 1963, Ch. 530.)

4760. The district board may, by agreement with any city or other public agency, take possession of, or acquire by condemnation or in any other manner any sewerage system, or any sewage or refuse disposal or treatment plant, or any combination of the foregoing necessary or convenient to carry out any of the objects of the district, or may acquire by agreement or in any manner the right to use them, and any city or other public agency may enter into such an agreement with a county sanitation district.

A compliance with this chapter is sufficient to authorize such an agreement by either a county sanitation district, city, or other public agency entering into such a contract with a county sanitation district.

Whenever any sewerage or refuse disposal system, or sewage or refuse disposal or treatment plant so taken possession of or otherwise acquired was built from the proceeds of a bond issue, the district may assume and pay out of its funds the outstanding bonds of the city or public agency according to their terms, and in that case the principal sum remaining unpaid shall be credited to it and deducted from any sum to be paid by it to the city or public agency.

Funds may be obtained by the county sanitation districts to pay the principal and interest on the assumed bonds in the

manner as is provided for paying the principal and interest on its own bonds.

(Amended by Stats. 1949, Ch. 721, and by Stats. 1957, Ch. 125. In effect April 19, 1957.)

4761. Any city or public agency in the district may enter into an agreement with the district for the use, or entire possession and operation, by the county sanitation district of any sewerage or refuse disposal system, or sewerage or refuse disposal or treatment plant owned or operated by the city or public agency.

(Amended by Stats. 1949, Ch. 721.)

4762. Whenever any area in the district is provided with a sewerage system the governing body of the city in which the area lies may declare the further maintenance or use of cesspools or other local means of sewage disposal to be a public nuisance, and may require all buildings inhabited or used by human beings to be connected with the sewerage system. The board of supervisors may prohibit the use of cesspools or other local means of sewage disposal and declare the same to be a public nuisance in any area in the district which is outside of any incorporated city, and may require all buildings inhabited or used by human beings to be connected with the sewerage system.

(Amended by Stats. 1949, Ch. 168, and by Stats. 1963, Ch. 1097.)

4762.1. All connections of lateral or other sewerlines to the sewerage system of the district, whether within or without any city, shall be made at points and in the manner to be directed by the engineers of the district under instructions from the district board, subject to such terms and conditions as the district board may prescribe. The district board may prescribe standards for installation and maintenance of laterals or sewerlines connecting to the sewerage system of the district, including, but not limited to, installation and maintenance by property owners of cleanouts and backflow protective devices.

(Added by Stats. 1963, Ch. 1097.)

4763. All powers of the district shall be exercised by the district board unless otherwise specified.

(Added by Stats. 1939, Ch. 596.)

4764. It may borrow money and incur indebtedness and guarantee the performance of its legal or contractual obligations whether heretofore or hereafter incurred; and also refund or retire any public indebtedness or lien that may exist against the district or any property therein which shall have arisen out of the transaction of the affairs of the district. It shall not, however, incur any bonded indebtedness unless it submits the proposition for incurring the bonded indebtedness to the voters of the district, or if the bonded indebtedness is for an improvement district, to the voters of the improvement district, at a regular election or a special election called for that purpose and at least two-thirds of the votes cast at the

election are in favor of incurring the bonded indebtedness as proposed.

(Added by Stats. 1947, Ch. 1376; amended by Stats. 1957, Ch. 2123.)

4764.1. A county sanitation district formed after the fifteenth day of December, 1958, which filed a statement and map or plat pursuant to Sections 54900 to 54903 of the Government Code on or before February 1, 1959, may incur indebtedness by the issuance of negotiable promissory notes in an amount not to exceed seven hundred fifty thousand dollars (\$750,000) pursuant to this section without an election for any purpose for which the district is authorized to expend funds. The notes shall mature not later than 10 years from their date, shall bear interest at a rate not exceeding 6 percent per annum, payable as provided therein, and shall be general obligations of the district payable, unless paid from other available funds of the district, in the same manner as bonds of the district. The provisions of Chapter 1 (commencing at Section 29000) of Division 3 of Title 3 of the Government Code shall not be applicable to the incurring of indebtedness under this section.

The district shall publish an advertisement for bids on the promissory notes in a newspaper of general circulation within the district or, if no newspaper of general circulation is printed within the district, in a newspaper of general circulation within the county in which the district is located one week prior to the date of sale.

This section shall remain in effect until October 1, 1960, but the termination of the effectiveness of this section shall not affect the validity of any loan, indebtedness, or obligation incurred, or any agreement entered into, pursuant to this section, prior to October 1, 1960.

(Added by Stats. 1959, Ch. 50. In effect April 2, 1959.)

4764.2. A county sanitation district formed and existing entirely of lands owned by the United States, which are operated, managed and administered by a county under contract with the Bureau of Reclamation of the Department of the Interior as a public recreation and park area, may without an election incur indebtedness by the issuance of negotiable promissory notes in an amount not to exceed seven hundred fifty thousand dollars (\$750,000) pursuant to this section for any purpose for which the district is authorized to expend funds. The notes shall mature not later than 10 years from their date, shall bear interest at a rate not exceeding 6 percent per annum, payable as provided therein, and shall be general obligations of the district payable, except to the extent paid from other available funds of the district, in the same manner as bonds of the district. The provisions of Chapter 1 (commencing with Section 29000) of Division 3 of Title 3 of the Government Code shall not be applicable to the incurring of indebtedness under this section, nor to any payments made to a district by a county hereunder.

The district shall publish an advertisement for bids on the promissory notes in a newspaper of general circulation within the district or, if no newspaper of general circulation is printed within the district, in a newspaper of general circulation within the county in which the district is located once at least one week prior to the date of sale.

If a county within which a district is located is operating, managing and administering a public recreation and park area comprising the entire county sanitation district and the district is furnishing sanitation and sewer services for the recreation and park area, the county may make a contract with the district whereby, in consideration of the services so rendered, the county agrees to pay to the district for such period as is specified in the contract such amounts as may be specified in the contract and payable from the revenues, income or other funds derived from the operation of the recreation and park area and from such other sources or funds as may be specified in the contract, exclusive, however, of any taxes or funds of the county derived from taxes. In such contract the county may make covenants or agreements for the purpose of securing the performance thereof, including covenants and agreements relating to the fixing and maintenance of rates and charges for the use of the recreation and park area and the facilities thereof.

The district may use the moneys received under such contract for the construction of sanitation facilities or for any other district purpose authorized by law, or it may pledge all or any part of such moneys to be received to the repayment, both principal and interest, of any indebtedness incurred pursuant to this section. The district may also pledge to the repayment, both principal and interest, of any such indebtedness all or any part of moneys received from sewer service charges imposed by the district and may make covenants and agreements for the purpose of securing such repayment, including covenants and agreements relating to the fixing and maintenance of sewer service charges.

This section shall remain in effect until December 1, 1963, but the termination of the effectiveness of this section shall not affect the validity of any loan, indebtedness, or obligation incurred, or any agreement entered into, pursuant to this section, prior to December 1, 1963.

(Added by Stats. 1962 (1st Ex. Sess.) Ch. 44. In effect April 20, 1962.)

4765. Any district, directly or through a representative, may attend the Legislature and any committees thereof and present information to aid the passage of legislation which the district deems beneficial to the district or to prevent the passage of legislation which the governing board of the district deems detrimental to the district. The cost and expense incident thereto are proper charges against the district. The governing boards of districts may enter into associations and through a representative of the associations attend the Legisla-

ture, and any committees thereof, and present information to aid the passage of legislation which the association deems beneficial to the districts in the association, or to prevent the passage of legislation which the association deems detrimental to the districts in the association. The cost and expense incident thereto are proper charges against the districts comprising the association.

(Added by Stats. 1949, Ch. 1018. This section was incorrectly numbered 4675 in text of Ch. 1018. Amended and renumbered by Stats. 1951, Ch. 19.)

4766. The district board may adopt ordinances to carry out the provisions of Sections 5473 to 5473.11, inclusive, of the Health and Safety Code and this chapter; the procedure for the adoption of said ordinances shall be the same as is provided for in Article 7 (commencing with Section 25120), Chapter 1, Part 2, Division 2, Title 3 of the Government Code for counties. In the absence of county or city regulation, the district board may also adopt ordinances for the purpose of exercise and effect of any of its powers, or for the purposes for which it was formed. Any ordinance adopted by the district board shall impose restrictions equal to or greater than those imposed by the State Housing Law, Part 1.5 (commencing with Section 17910), Division 13 of this code, and the rules and regulations promulgated pursuant thereto by the Department of Industrial Relations. A violation of a regulation or ordinance of a district is a misdemeanor, punishable by a fine of not to exceed one hundred dollars (\$100), imprisonment not to exceed 30 days, or both.

(Added by Stats. 1951, Ch. 295; amended by Stats. 1963, Ch. 1097.)

Article 4.1. District Employees

(Article 4.1 added by Stats. 1957, Ch. 2123)

4768. Section 19251 of the Government Code shall apply to employees of the district.

(Added by Stats. 1957, Ch. 2123.)

Article 4.5. Application of Other Statutes

(Article 4.5 added by Stats. 1939, Ch. 1124)

4770. Except as to State highways where the State Highway Engineer refuses to issue a permit, with the consent of the legislative body having jurisdiction of the territory within which it is proposed so to do, expressed by resolution of such governing body, the board of any district organized subsequent to the effective date of this amendment may order the construction of sewers and appurtenances in the whole or any portion of any of the streets, highways, or public places of the district, or in property or in rights of way owned by the district, and acquire or construct trunk and collection lines and laterals, sewage disposal and treatment plants,

and acquire rights of way, and easements therefor, and may provide that the cost shall be assessed upon the fronting lots and lands or upon a special district.

(Added by Stats. 1939, Ch. 1124.)

4771. The Improvement Act of 1911, the Street Opening Act of 1903, the Municipal Improvement Act of 1913 and the Improvement Bond Act of 1915 are applicable to districts.

(Added by Stats. 1939, Ch. 1124; amended by Stats. 1963, Ch. 1234.)

4772. In the application of those acts to proceedings under this article the terms used in those acts shall have the following meanings:

(a) "City council," and "council," mean board.

(b) "City," and "municipality," mean district.

(c) "Clerk," and "city clerk," mean secretary.

(d) "Superintendent of streets," "street superintendent," and "city engineer" mean the engineer of the district, or any other person appointed to perform such duties.

(e) "Tax collector," means county tax collector.

(f) "Treasurer," and "city treasurer," mean any person or official who has charge of and makes payment of the funds of the district.

(g) "Right of way," means any parcel of land through which a right of way has been granted to the district for the purpose of constructing and maintaining a sewer.

(Added by Stats. 1939, Ch. 1124.)

4773. The powers and duties conferred by those acts and supplementary acts upon boards, officers, and agents of cities shall be exercised by the respective boards, officers, and agents of the district.

(Added by Stats. 1939, Ch. 1124.)

4774. The improvements authorized to be constructed or acquired under this article are restricted to those permitted to be constructed or acquired by such districts under Article 4 of this chapter.

(Added by Stats. 1941, Ch. 1072.)

4775. No assessment or bond hereafter levied or issued shall become a lien and no person shall be deemed to have notice thereof until a certified copy of said assessment and the diagram thereto attached shall be recorded in the office of the county surveyor if the improvement district or any part thereof is in unincorporated territory and with the superintendent of streets of the city or cities if the improvement district or any part thereof is in incorporated territory.

(Added by Stats. 1941, Ch. 1072.)

Article 5. Bonds

4780. After the approval and adoption of an engineers' report the district board shall submit to the voters of the district the proposition of incurring a bonded indebtedness to obtain funds with which to acquire the property and do the

work set forth in the report. For that purpose a special election shall be called by resolution.

4781. The resolution shall state all of the following:

(a) The general objects and purposes for which it is proposed to incur an indebtedness.

(b) A reference to the report filed with the district board for particulars.

(c) The amount of the bonds proposed to be issued.

(d) The number of years not to exceed which the whole of the bonds are to run.

(e) The rate of interest or a maximum rate of interest to be paid, which rate shall not be more than the rate specified in this chapter, payable at the time specified in this chapter.

(f) The date of the election.

(g) The election precincts, polling places, and election officers.

(Amended by Stats. 1949, Ch. 168.)

4782. For the purposes of the bond election the district board may consolidate into one precinct several precincts established for general election purposes and describe the precinct by reference to the general election precincts.

4783. An election board consisting of one inspector, one judge, and one clerk shall be appointed by the district board for each precinct.

4784. Only voters registered in the district are eligible to vote at the bond election.

4785. The resolution calling the election shall be published once a week for three successive weeks in a newspaper having a general circulation in the district and designated by the district board. No other notice of the election need be given.

4786. If two-thirds of the votes cast are in favor of incurring the bonded indebtedness as proposed, bonds of the district for the amount stated in the resolution calling the election shall be issued and sold.

4786.5. Notwithstanding Section 4786, if prior to the adoption of the resolution calling the election, the acquisition of the property and the doing of the work set forth in the engineer's report are recommended in writing by the health officer of the county in which the district is situated as necessary as an urgency health measure to avert an emergency threat to the public health and safety, the fact of such recommendation and a finding that such a threat to the public health and safety exists is stated in such resolution, and such resolution is adopted by a four-fifths vote of the board of directors of the district, then bonds of the district for the amount stated in such resolution may be issued and sold if a majority of the votes cast at the election are in favor of incurring the bonded indebtedness as proposed.

This section shall remain in effect until March 1, 1961.

This section shall be applicable only to districts located within the County of Orange.

The Legislature finds and declares that special problems of sanitation exist in the County of Orange due to the extremely rapid growth in population and the rapid opening of large new tracts of land to residential development and further finds and declares that in areas of Orange County serious difficulties involving sewage overflow and other related problems have arisen which threaten the health of Orange County residents.

These problems are not, however, common to all areas of the State in which county sanitation districts are located. It is therefore, hereby declared that a general law cannot be made applicable and that the enactment of this section as a special law is necessary to effectuate the solution of problems which threaten the health of the residents of Orange County.

(Added by Stats. 1953, Ch. 410; repealed and added by Stats. 1959, Ch. 801.)

4787. The validity of the bonds after their issuance shall not be questioned in any court except upon the ground that the provisions of this chapter authorizing their issuance are unconstitutional, or that the required hearing regarding the formation of the district was not legally held or proper notice of it was not given.

(Amended by Stats. 1939, Ch. 596.)

4788. The district board shall prescribe by resolution the form of the bonds, and interest coupons. The bonds shall be payable at such times and at a place to be fixed by the board, and designated in the bonds, together with interest on all sums unpaid on that date until the whole of the indebtedness has been paid. The term of bonds issued shall not exceed forty years.

(Amended by Stats. 1949, Ch. 168.)

4789. The bonds shall be issued in such denomination or denominations as the district board may determine. They shall be payable on the day and at the place fixed in the bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of 6 percent per annum, and shall, after the first year, be payable semiannually.

(Amended by Stats. 1939, Ch. 596, by Stats. 1957, Ch. 1150, and by Stats. 1963, Ch. 736.)

4790. The bonds shall be signed by the chairman of the district board, and countersigned by the auditor of the district, and the seal of the district board shall be affixed. The interest coupons of the bonds shall be numbered consecutively and signed by the auditor of the district. All such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced except that one of said signatures or countersignatures to said bonds shall be manually affixed. Any such signature may be affixed in accordance with the provisions of the Uniform Facsimile Signatures of Public Officials Act, Chapter 6 (commencing with Section 5500) of Title 1 of the Government Code.

(Amended by Stats. 1951, Ch. 433, by Stats. 1957, Ch. 1150, and by Stats. 1959, Ch. 1061.)

4791. If any officer whose signature or countersignature appears on the bonds ceases to be an officer before the delivery of the bonds to the purchaser, his signature or countersignature shall be as valid as if he had remained in office until the delivery of the bonds.

(Amended by Stats. 1939, Ch. 596.)

4792. The board may issue and sell the bonds of the district at not less than par value, and the proceeds shall be placed in the treasury of the county.

All premiums and accrued interest received shall be paid into the fund to be used for the payment of principal and interest on the bonds and the remainder of the proceeds of the sale shall be paid into the construction fund of the district, and proper records of the transactions shall be placed upon the books of the treasurer.

4793. The construction fund shall be applied exclusively to the purposes and objects mentioned in the resolution calling the bond election.

Payments from the construction fund shall be made upon demands allowed by the district board, and prepared, presented, and audited in the same manner as demands upon the funds of the county.

4793.1. When the purposes and objects mentioned in the resolution calling the bond election have been accomplished, any moneys remaining in the construction fund may be transferred to the fund to be used for the payment of principal and interest on the bonds. The district board by a vote of two-thirds of the members thereof may use said remaining moneys for some other county sanitation district purpose which will benefit the property in the district or improvement district, as the case may be; provided, however, that with respect to improvement districts such general objectives and purposes shall not include the acquisition or construction of new local street sewers or laterals as distinguished from main trunks, interceptors, and outfall sewers. Said moneys may not be used for said other county sanitation district purposes until two-thirds of the qualified electors of said district or improvement district thereof, as the case may be, have consented thereto at a special election called in said district or improvement district by the district board. Notice of said election shall be given and said election shall be held and conducted in the manner provided for bond elections in said county sanitation district or improvement district, as the case may be.

(Added by Stats. 1951, Ch. 198; amended by Stats. 1955, Ch. 1535.)

4794. If the proposition of issuing bonds submitted at a bond election fails to receive the requisite number of votes, the district board may, at the expiration of six months after that election, call or order another bond election, either for the same objects and purposes, or for any other object or purpose of the district.

4794.1. Notwithstanding Section 4794, the district board may call another election to be held within six months after the election which failed, if the acquisition of the property and the doing of the work set forth in the engineer's report are recommended in writing by the health officer of the county in which the district is situated as necessary as an urgency health measure to avert an emergency threat to the public health and safety, the fact of such recommendation and a finding that such threat to the public health and safety exists is stated in the resolution calling the election, and such resolution is adopted by a four-fifths vote of the district board.

This section shall remain in effect until April 1, 1964.

This section shall be applicable only to districts located within the County of San Diego.

The Legislature finds and declares that special problems of sanitation exist in the County of San Diego due to the extremely rapid growth in population and the rapid opening of large new tracts of land to residential development, that in areas of San Diego County serious difficulties involving the pollution of streams and other related problems have arisen which threaten the health of San Diego County residents and that in one or more sanitation districts in the County of San Diego a bond election has failed by a small number of votes, thereby preventing the district from acquiring property and constructing needed sanitation facilities. These problems are not, however, common to all areas of the State in which county sanitation districts are located. It is, therefore, hereby declared that a general law cannot be made applicable and that the enactment of this section as a special law is necessary to effectuate the solution of problems which threaten the health of the residents of San Diego County.

(Added by Stats. 1963, Ch. 490. In effect May 20, 1963.)

4794.5. Notwithstanding Section 4794, the district board may call another election to be held within six months after the election which failed, if a petition, signed by electors of the district equal to 15 percent of the number of votes cast in the district for all candidates for Governor at the latest election at which a Governor was elected, requesting that another bond election be called, is filed with the district board.

This section shall remain in effect until March 31, 1954.

(Added by Stats. 1953, Ch. 410.)

4795. If the district board by resolution passed by a vote of a majority of all its members determines that the public interest or necessity of the district demands the issuance of additional bonds for carrying out any of the objects of the district, the district board may again have a report made, and submit to the voters the question of issuing additional bonds in the same manner as for a first issue. All the provisions of this chapter for the issuance and sale of bonds, and for the

expenditure of the proceeds apply to the issuance of additional bonds.

(Amended by Stats. 1953, Ch. 1357, and by Stats. 1963, Ch. 1097.)

4796. Bonds and the interest thereon shall be paid by revenue derived from an annual tax upon the real property in the district, and all the real property in the district shall be and remain liable to be taxed for such payments. Said bonds and the interest thereon shall not be taxable in this State.

(Amended by Stats. 1939, Ch. 596.)

4797. In determining the amount of bonds to be issued, the legislative body may include:

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said bonds, bond reserve funds and working capital and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

(Amended by Stats. 1939, Ch. 596; repealed by Stats. 1949, Ch. 168; added by Stats. 1957, Ch. 1378.)

4798. (Amended by Stats 1939, Ch. 596; repealed by Stats. 1949, Ch. 168.)

4799. Nothing in this chapter shall affect the validity of, or the right to issue and sell, bonds voted prior to the date when this code goes into effect.

(Added by Stats. 1939, Ch. 596.)

4801. (1) An issue of bonds is hereby defined to be the aggregate principal amount of all of the bonds authorized to be issued in accordance with a proposal submitted to and approved by the electors of the district, but no indebtedness will be deemed to have been contracted until bonds shall have been sold and delivered and then only to the extent of the principal amount of bonds so sold and delivered.

(2) The board of directors of any district issuing any bonds heretofore or hereafter authorized may, in its discretion, divide the aggregate principal amount of such issue into two or more divisions or series and fix different dates for the bonds of each separate division or series. In the event any authorized issue is divided into two or more divisions or series, the bonds of each division or series may be made payable at such time or times as may be fixed by the legislative body of the district separate and distinct from the time or times the payment of bonds of any other division or series of the same issue.

(Added by Stats. 1949, Ch. 168.)

4802. Bonds may be made payable on a date subsequent to the time fixed for the collection of the second installment of general district taxes with which the first levy of taxes for the payment of the principal and interest of said bonds is to be

collected. In such event, the first interest coupons shall be for interest from the date of said bonds of such issue or series or division to the maturity date of said coupons.

(Added by Stats. 1951, Ch. 1648.)

4803. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

(Added by Stats. 1951, Ch. 1648; amended by Stats. 1961, Ch. 1556.)

Article 5.5. Revenue Bonds

(Article 5.5 added by Stats. 1953, Ch. 95)

4805. The provisions of the Revenue Bond Law of 1941 as amended shall be applicable to county sanitation districts, and the term "local agency" as used in Chapter 6 of Part 1, Division 2, Title 5 of the Government Code shall be deemed to include a county sanitation district.

(Added by Stats. 1953, Ch. 95; amended by Stats. 1959, Ch. 598.)

Article 5.6. Bonds for Improvement of a Portion of a District

(Article 5.6 added by Stats. 1955, Ch. 707)

4806. As an alternative method of issuing bonds the district board may, after the approval and adoption of an engineer's report for a portion of the district, if it deems it necessary to incur a bonded indebtedness to obtain funds with which to acquire the property and do the work set forth in the report, by resolution so declare and state: (a) the general objects and purposes for which the proposed debt is to be incurred; provided, however, that such general objectives and purposes shall not include the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers; (b) the amount of debt to be incurred; (c) that the district board intends to form an improvement district of that portion of the district which in the opinion of said board will be benefited, the exterior boundaries of which portion are set forth on a map on file with said board, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such improvement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the district for said improvement district; (d) that taxes for the payment of said bonds and the interest thereon shall be derived exclusively from an annual tax upon the real property in the improvement district; (e) that the engineer's report, together with a map showing the exterior boundaries of said proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement, are on file with the district board and are available for inspection

by any person interested; (f) the time and place for a hearing by the board on the questions of the formation of said proposed improvement district, the extent thereof, the proposed improvement and the amount of debt to be incurred; and (g) that at the time and place specified in the resolution any person interested, including all persons owning property in the district or in the proposed improvement district, will be heard.

(Added by Stats. 1955, Ch. 707.)

4807. Notice of the hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper having general circulation in the county sanitation district. Such notice shall also be given by posting a copy of the resolution in three public places within the proposed improvement district at least two weeks before the time fixed for the hearing.

(Added by Stats. 1955, Ch. 707; amended by Stats. 1957, Ch. 357.)

4808. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the district board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the district or within the proposed improvement district, may appear and protest the inclusion of his property within the proposed improvement district and/or present any other matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness.

The district board shall have power to change the purpose for which the proposed debt is to be incurred, or the amount of bonded debt to be incurred, or the boundaries of said proposed improvement district, or one or all of said matters; provided, however, that said board shall not change such boundaries so as to include any territory which will not, in its judgment, be benefited by said improvement; and provided further, that said board shall exclude from the proposed improvement district any territory which it finds will not be benefited by inclusion therein. If the district board proposes to change the purposes for which the proposed debt is to be incurred, it shall cause appropriate changes to be made in the report before giving notice of such change. The purpose, amount of bonded debt and boundaries shall not be changed by said board except after notice of its intention to do so, given pursuant to Section 6061 of the Government Code in a newspaper having general circulation in said county sanitation district, and by posting in three public places within said proposed improvement district. Said notice shall state the changed purpose and debt proposed and that the engineer's report as changed by said board, together with a map showing exterior boundaries as proposed to be changed, are on file with the district board and are available for inspection by any person interested, and specify the time and

place for hearing on such change, which time shall be at least 10 days after publication or posting of said notice. At the time and place so fixed, or at any time and place to which the hearing is adjourned, said board shall continue with the hearing. At the hearing any person interested, including any person owning property within the district or the proposed improvement district, may appear and present any matters material to the changes stated in the notice.

At the conclusion of the hearing the board shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which said proposed debt is to be incurred (which purpose shall not include the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers) the amount of the proposed debt, that the exterior boundaries of the portion of the district which will be benefited are set forth on a map on file with the district board, which map shall govern for all details as to the extent of the improvement district, and that said portion of the district set forth on said map shall thereupon constitute and be known as "Improvement District No. ____ of _____ (name of county sanitation district)," and the determination made in said resolution shall be final and conclusive. After the formation of such improvement district within a county sanitation district, all proceedings for the purpose of a bond election shall be limited and shall apply only to the improvement district, and taxes for the payment of said bonds and the interest thereon shall be derived exclusively from an annual tax upon the real property in the improvement district.

(Added by Stats. 1955, Ch. 707; amended by Stats. 1957, Ch. 357.)

4809. When the board has made its determinations as provided in Section 4808 and if the board deems it necessary to incur the bonded indebtedness, the board shall by resolution call a special election in said improvement district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the district for said improvement district. Said resolution shall state: (a) that the board deems it necessary to incur the bonded indebtedness; (b) the purpose for which the bonded indebtedness will be incurred; (c) the amount of debt to be incurred; (d) the name of the improvement district to be benefited by said indebtedness, as set forth in the resolution making determinations, and that a map showing the exterior boundaries of said improvement district is on file with the district board, which map shall govern for all details as to the extent of the improvement district; (e) that taxes for the payment of such bonds and the interest thereon shall be derived exclusively from an annual tax upon the real property in said improvement district; (f) the maximum term the bonds proposed to be

issued shall run before maturity, which shall not exceed 40 years; (g) the maximum rate of interest to be paid, which shall not be more than the rate specified in this chapter for bonds of the district, payable at the time specified in this chapter for bonds of the district; (h) the measure to be submitted to the voters; (i) the date of the election; and (j) the election precincts, polling places and election officers.

(Added by Stats. 1955, Ch. 707.)

4809.1. Except as otherwise provided in this article, notice of the election shall be given and the election shall be held and conducted in the same manner as elections for the authorization of bonds of the entire county sanitation district, and if two-thirds of the votes cast are in favor of incurring the bonded indebtedness as proposed, bonds of the district, issued in the name of the district and designated "Bonds of _____ (naming the county sanitation district) for Improvement District No. ____" shall be issued and sold for the amount stated in the resolution calling the election in the same form and manner as bonds of the entire county sanitation district. Each bond of the district for an improvement district and all interest coupons thereof shall state that taxes for the payment thereof shall be derived exclusively from an annual tax upon the real property in the improvement district.

(Added by Stats. 1955, Ch. 707.)

4809.2. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted. Any action or proceedings, wherein the validity of the formation of the improvement district or of any bonds issued for it or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable.

(Added by Stats. 1955, Ch. 707.)

4809.3. Bonds issued as bonds of the district for an improvement district therein and the interest thereon shall be paid by revenue derived exclusively from an annual tax upon the real property in the improvement district of such county sanitation district, and all the real property within the improvement district of such county sanitation district shall be and remain liable to be taxed for such payments. The board of supervisors of the county shall annually, at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real property in the improvement district, based upon the last equalized assessment roll of the county sufficient to pay the interest on the bonds for that year and such portion of the principal as is to become due before the time for making the next general tax levy. Said bonds and the interest thereon shall not be taxable in this State.

(Added by Stats. 1955, Ch. 707.)

Article 6. Finance and Taxation

4810. Annually, at least 15 days before the first day of the month in which the board of supervisors of the county in which the district is located is required by law to levy the amount of taxes required by law for county purposes, the district board shall furnish to the board of supervisors a written statement of the amount necessary to pay the interest on bonds for that year, and the portion of the principal that is to become due before the time for making the next general tax levy.

4811. The board of supervisors of the county shall annually, at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real property in the district, based upon the last equalized assessment roll of the county sufficient to pay the interest on the bonds for that year and such portion of the principal as is to become due before the time for making the next general tax levy.

4812. If the district board fails to furnish to the board of supervisors the written statement of the amount necessary, the board of supervisors of the county shall ascertain the amount necessary to pay the interest on the bonds for that year and the portion of the principal that is to become due before the time for making the next general tax levy, and shall levy and cause to be collected the necessary amount.

4813. The tax shall be collected at the same time and in the same manner as the general tax levy for county purposes, and when collected shall be paid into the treasury of the county to the credit of the district, and shall be used for the payment of the principal and interest upon the bonds, and for no other purpose.

4814. The principal and interest on the bonds shall be paid by the treasurer of the county in the manner now or hereafter provided by law for the payment of principal and interest on the bonds of the county.

4815. In any year, at least 15 days before the first day of the month in which the board of supervisors of the county in which the district is located, is required by law to levy the amount of taxes required by law for county purposes, the district board shall furnish to the board of supervisors a written statement of the amount necessary; (a) to maintain, operate, extend, or repair any work or improvements of the district, for the collection, treatment and disposal of sewage and to defray all other expenses incidental to the exercise of any of the district's powers, except the amounts necessary to acquire, construct, maintain and operate a refuse transfer or disposal system, or both, and any other expenses incidental to the operation of said system, and (b) to acquire, construct, operate and maintain any work or improvement of the district for a refuse transfer or disposal system, or both. The board of supervisors of the county shall, at the time and in the manner of levying other county taxes, levy separately and cause to be

collected a tax upon the taxable real property in the district, based upon the last equalized assessment roll of the county sufficient to pay: (1) the cost of maintaining, operating, extending, or repairing any work or improvements of the district for the collection, treatment and disposal of sewage and of defraying all other expenses incidental to the exercise of any of the district's powers except those relating to the acquisition, construction, operation and maintenance of a refuse transfer or disposal system, or both, and (2) the cost of acquiring, constructing, operating and maintaining, extending or repairing a refuse transfer or disposal system, or both; provided, the latter levy shall be made only on the real property located in said refuse transfer or disposal system, or both.

(Amended by Stats. 1957, Ch. 168. In effect April 23, 1957.)

4816. The tax shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes, and the revenue derived from the tax shall be paid into the county treasury to the credit of the operating fund of the district, and the district board shall control and order its expenditure.

(Amended by Stats. 1939, Ch. 596.)

4817. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

(Repealed and added by Stats. 1959, Ch. 1727; amended by Stats. 1963, Ch. 1715. See note following Section 954.)

4818. The cost of preparing the engineer's report, including the compensation paid engineers and other employees of the district, is a charge against the district and shall be paid from the first available funds of the district.

4819. The cost of the engineer's report, employees' salaries, costs of engineering surveys, bond counsel fees, and other initial costs and expenses, not to exceed five thousand dollars (\$5,000), incurred after formation of a district and prior to receipt of its first available funds, may be advanced by another county sanitation district or districts situated within the same county, upon such terms and conditions as may be agreed upon; said funds must be repaid by the borrowing district from its first available funds.

(Added by Stats. 1957, Ch. 146.)

4820. The board of directors of a county sanitation district engaging in refuse disposal operations may, by resolution, establish a cash difference fund in an amount not to exceed one

hundred dollars (\$100), in the same manner and by the same procedures as prescribed by Sections 29370 to 29379, inclusive, of the Government Code.

(Added by Stats. 1959, Ch. 1334.)

Article 7. Annexation

4830. Territory, whether situated within the same or another county and whether incorporated or unincorporated, which is not included in any other county sanitation district or other district formed for similar purposes, may be annexed to a county sanitation district if the board of supervisors finds and determines that the additional territory will be benefited by annexation. The land proposed to be annexed need not consist of contiguous parcels nor be contiguous with the county sanitation district when such land is within the same county. When land proposed to be annexed is not within the same county such land must be contiguous to the district. Such annexation may include annexation to an existing improvement district of the district. Territory already a part of a district may be annexed to an improvement district of the district in the same manner as annexation of territory to a sanitation district. The annexation may be effected in the same manner as the formation of a sanitation district in the first instance, in which case the procedure set forth in Section 4831 shall be followed or by verified petition in the manner provided in Section 4831.5, or 4831.7.

(Amended by Stats. 1939, Ch. 596, by Stats. 1955, Ch. 1636, and by Stats. 1961, Ch. 1975 and Ch. 2130.)

4831. For the purpose of annexing territory situated within the same county to a district the board of supervisors may proceed in the same manner as for the formation of a sanitation district in the first instance; except that wherever it is required to set forth the boundaries of the proposed district there shall instead be set forth the boundaries of the territory proposed to be annexed and wherever protests are called for or authorized or an election is to be held, the provisions relating thereto shall refer only to the territory proposed to be annexed.

The district board shall before such annexation is completed, by resolution, find and declare that the district will be benefited by the annexation of the territory and consent to its annexation.

Provided, however, that if a refuse transfer or disposal system of the district, or both, is in existence, said territory proposed to be annexed shall be and become a part of said system unless an express finding is made by the board of supervisors that said territory proposed to be annexed will not be benefited by its inclusion in said system.

(Amended by Stats. 1939, Ch. 596, by Stats. 1955, Ch. 1636, by Stats. 1957, Ch. 168, and by Stats. 1961, Ch. 1975.)

4831.5. Property contiguous to a sanitation district but which is situated in a county other than the county in which the sanitation district has been organized may be annexed to said sanitation district and to any improvement district therein pursuant to this section. A verified petition signed by the owners of more than 50 percent of the assessed value of the property sought to be annexed shall be presented to the board of supervisors of the county in which said annexing property is located. Upon receipt of such petition, the board of supervisors shall either approve or disapprove said proposed annexation, and, if such approval is given, it shall transmit to the board of directors of the sanitation district a copy of the petition for annexation and a copy of the resolution approving same. Upon receipt of said petition and resolution, the board of directors of the sanitation district shall either consent to or reject said proposed annexation and shall give written notice to said board of supervisors of the action so taken. Any consent granted may be contingent upon the territory to be annexed being subject to existing or authorized bonded indebtedness of the district or of any improvement district therein and to such other terms and conditions as the board of directors may deem advisable. Upon receipt of notice that said board of directors have consented to said proposed annexation, the board of supervisors of said county in which the annexing territory is so located shall proceed on the matter of annexation in the same manner as for the formation of a district in the first instance; except that wherever it is required to set forth the boundaries of the proposed district there shall be set forth the boundaries of the territory proposed to be annexed, and wherever protests are called for or authorized or an election is to be held, the provisions therefor shall refer only to the territory proposed to be annexed. Upon either (a) disapproval of said proposed annexation by said board of supervisors or (b) rejection thereof by the board of directors of said sanitation district as specified above, the procedures for annexation shall terminate and no further petitions for annexation shall be circulated or presented for a period of six months thereafter.

(Added by Stats. 1955, Ch. 1636; amended by Stats. 1961, Ch. 1975.)

4831.7. If a district to which it is proposed to annex territory has incurred or authorized the incurring of any bonded indebtedness for the acquisition, construction, or completion of sewerage lines or sewage disposal facilities, a verified petition signed by at least 10 percent of the registered voters in the territory proposed to be annexed may be filed with the board of supervisors of the county in which the territory is located requesting that an election be held for the purpose of submitting to the registered voters in the territory the question whether the territory shall be annexed to the district and the property in the territory subjected to taxation after annexation equally with the property in the district to pay a

portion of the bonded indebtedness of the district outstanding or authorized on the date the petition is filed.

If it is proposed to annex territory to a district and also to an improvement district of such district which has authorized the incurring of any bonded indebtedness for the acquisition, construction, or completion of sewerage lines or sewage disposal facilities, a verified petition signed by at least 10 percent of the registered voters in the territory proposed to be annexed may be filed with the board of supervisors of the county in which the territory is located requesting that an election be held for the purpose of submitting to the registered voters in the territory the question whether the territory shall be annexed to the district and the property in the territory subjected to taxation after annexation equally with the property in the improvement district to pay a portion of the bonded indebtedness authorized by the improvement district on the date the petition is filed.

If the board of directors of either such district has fixed an amount of money to represent the value to the territory proposed to be annexed of sewerage lines and sewage disposal facilities in the district, or within an improvement district in the district, which have already been paid for by district taxpayers or by taxpayers in the improvement district, a petition requesting the holding of an election may request that, in addition or alternatively to either question referred to above, there be submitted to the registered voters in the territory the question whether the territory shall be annexed to the district and the property in the territory subjected to taxation after annexation to pay the amount of money fixed by the board of directors.

Upon the receipt of a petition of a type prescribed by this section, the board of supervisors of the county in which the territory proposed to be annexed is located shall call an election at which the question, or questions, presented by the petition shall be submitted to the registered voters in the territory. The provisions relating to an election for the formation of a district in the first instance shall govern the manner in which the election is called and held except the provisions therefor shall refer only to the territory proposed to be annexed. If a question to be submitted at the election provides that the property in the territory shall be subjected to taxation after annexation to pay a portion of the bonded indebtedness of the district outstanding or authorized on the date the petition was filed, or a portion of the bonded indebtedness authorized by an improvement district in the district on the date the petition was filed, the board of supervisors shall notify the board of directors of the district and the board of directors of the district shall fix the portion of the bonded indebtedness to be stated in the question.

If a majority of the votes cast upon a question at the election are in favor of annexation upon the terms prescribed by the question, and the district board by resolution has found

and declared that the district will be benefited by the annexation and consents thereto, the board of supervisors shall make an order annexing the territory to the district. The property in the territory annexed shall not be subjected to taxation to pay a greater portion of the bonded indebtedness of the district outstanding or authorized on the date the petition was filed, or a greater portion of the bonded indebtedness authorized by an improvement district in the district on the date the petition was filed, than that stated in a question which received an affirmative vote by a majority of those voting thereon. Nor shall the property in the territory be subjected to taxation to pay a greater amount of money to represent the value to the territory of sewerage lines and sewage facilities in the district, or within an improvement district in the district, paid for prior to the annexation by district taxpayers, or by taxpayers in the improvement district, than that stated in a question which received an affirmative vote by a majority of those voting thereon.

(Added by Stats. 1959, Ch. 152; amended by Stats. 1961, Ch. 1975.)

4832. Whenever any territory situated within the same county is annexed to a district it thereupon becomes a part of the district and, except as provided in Section 4831.7, is subject to all the liabilities and entitled to all the benefits of the district.

(Amended by Stats. 1955, Ch. 1636, and by Stats. 1959, Ch. 152.)

4832.5. Whenever any territory in another county is annexed to a district it thereupon becomes a part of the district and, except as provided in Section 4831.7, is subject to all the liabilities and entitled to all the benefits of the district. The board of supervisors of the county in which is situated the annexing territory shall appoint one of its members to sit as a member of the board of directors of said district. All ordinances theretofore and thereafter adopted by the board of directors shall have full force and effect in all portions of the district regardless in which county the property is situated.

(Added by Stats. 1955, Ch. 1636; amended by Stats. 1959, Ch. 152.)

4833. Taxes for a district which is situated in more than one county as provided in this article shall be levied in accordance with the following procedure:

(a) The board of directors shall annually, before the time of fixing the general tax levy for county purposes, estimate the amount of money necessary to be raised by taxation to meet the requirements for operation, maintenance, and payment of principal and interest on outstanding bonds which will become payable before the proceeds of another tax levy made at the time of the next general tax levy for county purposes can be made available for payment of such operation, maintenance, principal and interest.

(b) The total estimate shall be divided by the board of directors in proportion to the value of the real property of the district and any improvement district in each county. The value shall be determined from the equalized values of the last assessment rolls of the counties. When the division of the estimate has been made, the board of directors shall promptly certify to the boards of supervisors of the counties in which the district is situated the respective parts of the estimate apportioned to each county.

(c) The board of supervisors of each county in which is situated any part of a district shall annually, at the time of levying county taxes, levy a tax upon all the property within the district or any improvement district situated in the county sufficient to raise the amount so certified to the board of supervisors by the board of directors.

(d) The tax shall be collected by the same officers and in the same manner as other county taxes, and the money so collected shall be deposited in the county treasury of the county in which the original district was created and credited to the account of said district.

(e) The treasurer of the county in which is situated the annexing territory shall at any time, but not oftener than twice a year, upon order of the board of directors, settle with the board of directors and pay over to the county treasurer, who is the repository of the funds of said district, all money in his possession belonging to said district.

(Added by Stats. 1955, Ch. 1636; amended by Stats. 1961, Ch. 1975.)

4834. The board of supervisors may require as a condition to the annexation of territory to the district, the payment by the owners of the property to be annexed of an amount fixed by the district board to represent the value to the territory to be annexed of sewage lines and sewage disposal facilities in the district or within an improvement district which have already been paid for in whole or in part by district taxpayers or by taxpayers of the improvement district when such payment is recommended by the district board and found to be reasonably necessary to carry out the purposes of this chapter by the board of supervisors.

If the board of supervisors requires the payment of any amount as a condition to the annexation of territory to the district, the annexation proceedings shall not be completed until the amount has been paid to the district; unless the board of supervisors, upon recommendation of the district board, authorizes such payment in equal installments over a specified period not to exceed 10 years.

(Added by Stats. 1961, Ch. 991.)

Article 8. Joint Operation

4840. Whenever two or more sanitation districts find and declare by resolution adopted by their respective district boards that it is for the interest or advantage of the districts to do so,

the districts by their respective district boards may enter into an agreement for the maintenance of a centralized and joint administrative organization to care for the general administration of the affairs of each of the districts, and the construction, supervision, operation, and maintenance of the work of each of the districts, and for that purpose the districts may agree to employ the same engineers, surveyors, counsel, and other persons needed to carry out the purposes of the districts.

Such agreement may also provide for participation by said sanitation districts in the State Employees' Retirement System of the State of California and for the payment of apportionments of costs and the collection, receipt and distribution of pension payments by one district designated for the purpose and acting on behalf of all districts participating in the agreement in the same manner as provided by Sections 4841 and 4842 of this code. When the agreement so provides, the designated district shall have all the powers and perform all the duties of a public agency for the purposes of the State Employees' Retirement Law, both in respect to the joint officers and employees of the participating districts and in respect to the officers and employees separately employed by the participating districts.

(Amended by Stats. 1945, Ch. 490.)

4841. The agreement shall specify the proportionate amount to be paid by each district toward the costs and expenses of the organization and the salaries, wages, or other compensation of all persons employed jointly by the districts.

4842. For the purpose of facilitating the payment of the joint costs, expenses, salaries, wages, or other compensation, the agreement may also provide for the payment by each district of its proportionate share of the costs, expenses, salaries, wages, or other compensation, into the funds of any one of the districts which may be designated for the purpose, and the designated district shall thereafter pay all the costs, expenses, salaries, wages, or other compensation incurred by, or to be paid in connection with the maintenance of the joint organization.

4843. The district may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation, for the joint acquisition or construction or use of any sewer or sewers or other works or facilities for the handling, treatment or disposal of sewage or industrial waste from the district and such other area as may be designated in said contract, when in the judgment of the legislative body of said district it is for the best interests of the district so to do. Any such contract may provide for the construction and maintenance of such sewer or sewers, or such other works or facilities, and for the payment by or for the parties thereto of such proportionate part of the cost of the acquisition, construction or maintenance of such sewer or sewers or other works or facilities

as may be stated in said contract, the payments to be made at such times and in such amounts as may be provided by said contract. Any such contract may provide for the joint use of any sewer or sewers, works or facilities for the handling, treatment or disposal of sewage or industrial waste upon such terms and conditions as may be agreed upon by the parties thereto, and for the flowage, treatment or disposal of sewage or industrial waste from such area for each of the parties thereto as may be described in the contract.

Any district which has acquired or constructed or which proposes to acquire or construct, any sewer or sewers, or works or other facilities for the handling, treatment or disposal of sewage or industrial waste, may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation for the use of any such sewer or sewers, works or facilities by any such county, city and county, municipal corporation, district or other public corporation, or for the flowage, treatment or disposal of sewage or industrial waste from any area designated by such person, firm or corporation so contracting, upon such terms and conditions as may be provided in said contract.

(Added by Stats. 1949, Ch. 168 and Ch. 843.)

Article 8a. Withdrawal of City

(Article 8a added by Stats. 1939, Ch. 270, purportedly to Chapter 4 of this part. Apparently the correct reference is Chapter 3)

4845.05. A city may withdraw from a district when all of the following conditions exist:

(a) The district has been in existence for more than 10 years;

(b) The district has no indebtedness evidenced by bonds or otherwise, exclusive of indebtedness or expense, if any, previously incurred under Sections 4815, 4816, 4817, 4748 or 4749; and in event such indebtedness or expense is outstanding and owing on the date of the election herein authorized, the property within any territory withdrawing from the district shall nevertheless be liable for assessment and payment of the tax for its pro rata share thereof;

(c) An election has been held on the question whether a bonded indebtedness should be incurred by the district, which proposition has failed at an election to receive the number of votes required to authorize the issuance of bonds.

(Added by Stats. 1939, Ch. 270.)

4845.06. The withdrawal shall be effected by the vote of a majority of the qualified electors of the city voting at an election on the proposition to withdraw.

(Added by Stats. 1939, Ch. 270.)

4845.07. The election may be called and conducted by the district board upon its own motion, and shall be called and

conducted upon presentation to it of a petition signed by not less than twenty-five per cent (25%) of the qualified electors residing in the city.

(Added by Stats. 1939, Ch. 270.)

4845.08. The election shall be called within thirty (30) days after such petition is presented and conducted in the same manner as other elections of the district, except that the resolution calling the election shall be published in a newspaper having a general circulation in the city.

(Added by Stats. 1939, Ch. 270.)

4845.09. The district board shall canvass the returns of the election within 30 days after the election, and if a majority of the votes cast are in favor of the proposition to withdraw from the district, then it shall so find and declare, and thereupon the territory shall no longer be a part of the district.

(Added by Stats. 1939, Ch. 270.)

4845.1. A certified copy of the resolution shall, within 15 days after its adoption, be filed with the clerk of the board of supervisors of the county in which the district is situated.

(Added by Stats. 1939, Ch. 270.)

4845.11. If the withdrawal of the city results in less than three members remaining on the district board, the vacancy shall be filled in accordance with the provisions of this chapter for changes in the membership of the district board.

(Added by Stats. 1939, Ch. 270.)

4845.12. In event of the withdrawal of a city, the disposition of the property of the district lying within the city, and of the debts and funds of the district, shall be as provided in the article of this chapter on dissolution.

(Added by Stats. 1939, Ch. 270.)

4845.13. The territory within the city so withdrawing from the district shall not thereafter become a part of the same or any other county sanitation district unless the question of annexation or inclusion within the district is approved by a majority of the qualified electors of the city, voting at an election on the proposition of annexation or inclusion.

(Added by Stats. 1939, Ch. 270.)

Article 8b. Withdrawal of Unincorporated Territory

(Article 8b added by Stats. 1939, Ch. 270, purportedly to Chapter 4 of this part. Apparently the correct reference is to Chapter 3)

4845.20. All or any portion of the unincorporated territory within a district, or all or any portion of territory within a district which territory was, subsequent to the formation of the district, included within a city by annexation, incorporation, or otherwise, may be withdrawn from the district when all of the following conditions exist:

- (a) The district has been in existence for at least one year;
- (b) In the event the district has indebtedness evidenced by bonds and the indebtedness is outstanding and owing on

the date of the election or upon receipt of the verified petition, or upon the adoption of the resolution, by the board of supervisors, the property within any territory withdrawing from the district shall nevertheless be liable for assessment and payment of the tax for its pro rata share thereof, except as otherwise provided in Section 4845.37.

(c) The withdrawal will not interfere with the operation of the sewerage system in the balance of the district.

(d) The withdrawal will not interfere with the economic feasibility of the development of the sewerage system in the district.

Provided, however, that no portion of a city shall be withdrawn from a sanitation district under the provisions of this article if such city is in its entirety within one or more sanitation districts.

(Added by Stats. 1939, Ch. 270; amended by Stats. 1949, Ch. 718, by Stats. 1954 (Ex. Sess.), Ch. 66, by Stats. 1959, Ch. 1079, and by Stats. 1961, Ch. 822.)

4845.21. The withdrawal may be effected by the vote of majority of the qualified electors of the territory seeking to withdraw voting at an election on the proposition to withdraw, in which case the election procedure as hereafter provided in Sections 4845.22 to and including Section 4845.28 shall be followed, or by verified petition presented to the board of supervisors in the manner as hereafter provided in this article, or by resolution of intention of the board of supervisors as hereafter provided in this article.

(Added by Stats. 1939, Ch. 270; amended by Stats. 1949, Ch. 718, and by Stats. 1959, Ch. 1079.)

4845.22. The election shall be called and conducted by the board of directors of the district whenever a petition signed by twenty-five percent (25%) of the qualified electors residing in the territory seeking to withdraw, is presented to the board, provided the board of directors of the district finds that the conditions provided in Section 4845.20 exist. The petition shall describe the exterior boundaries of the unincorporated territory seeking to withdraw, and request that an election shall be called and conducted on the proposition to withdraw.

(Added by Stats. 1939, Ch. 270; amended by Stats. 1961, Ch. 822.)

4845.23. The election then shall be called and conducted in the same manner as other elections of the district except that the resolution calling the election shall be published in a newspaper having a general circulation within the territory seeking to withdraw.

(Added by Stats. 1939, Ch. 270.)

4845.24. The board of directors shall canvass the returns of the election within 30 days after the election, and if a majority of the votes cast are in favor of the proposition to withdraw from the district, then the board shall so find and

declare, and thereupon the territory no longer shall be a part of the district.

(Added by Stats. 1939, Ch. 270.)

4845.25. A certified copy of the resolution shall be filed with the clerk of the board of supervisors of the county in which the district is situated, within 15 days after the resolution is adopted.

(Added by Stats. 1939, Ch. 270.)

4845.26. (Added by Stats. 1939, Ch. 270; repealed by Stats. 1949, Ch. 718.)

4845.27. (Added by Stats. 1939, Ch. 270; repealed by Stats. 1949, Ch. 718.)

4845.28. The unincorporated territory shall not thereafter become a part of the same or any other county sanitation district unless the question of annexation or inclusion within a district is approved by a majority of the qualified electors of the territory so withdrawing, voting at an election on the proposition of annexation or inclusion; except that as to any part or portion of such territory which has heretofore been withdrawn and which is contiguous to an existing district and uninhabited, such part or portion may be annexed to the district pursuant to Article 7 of this chapter, without the necessity of holding an election, upon the filing of a petition with the district board signed by the owner or owners of such part or portion.

As used in this section, "uninhabited" means having less than three electors at the time of the last general election next preceding the filing of the petition for annexation.

(Added by Stats. 1939, Ch. 270; amended by Stats. 1951, Ch. 1000.)

4845.30. A verified petition signed by the owners of real property in the portion to be excluded, said owners owning more than fifty percent (50%) in value of the assessed real property, shall be presented to the board of supervisors of the county within which the district is located. Said petition shall contain the following:

(a) A legal description of the area to be withdrawn together with a map thereof;

(b) The amount of indebtedness of a district presently outstanding, if any;

(c) Factual data establishing that the exclusion will not interfere with the operation of the sewage system in the balance of the district, and that the conditions provided in Section 4845.20 exist;

(d) A statement by the county assessor of said county that the petition appears to be signed by the owners of more than 50 percent of value of the assessed real property of the area described in the petition as appears from the current assess-

ment roll of the county or city within which the area to be withdrawn is situated.

(Formerly 4845.31. Added by Stats. 1949, Ch. 718; amended and renumbered 4845.30 by Stats. 1959, Ch. 1079; amended by Stats. 1961, Ch. 822.)

4845.31. In lieu of a petition for withdrawal, a board of supervisors desiring to exclude a part of a district may initiate proceedings by adopting a resolution of its intention to exclude certain designated territory from the district. The resolution shall contain a statement of the intention to exclude a part of the district and a legal description of the area to be excluded.

(Original 4845.31 amended and renumbered 4845.30. Present 4845.31 added by Stats. 1959, Ch. 1079.)

4845.32. Upon receipt of such petition, or upon the adoption of such resolution of intention, the board of supervisors shall set the same for hearing on a day not less than 20 days nor more than 35 days thereafter. The clerk of the board of supervisors shall cause a notice of the hearing, which shall contain a description of the property to be excluded, to be published once prior to the date fixed for such hearing, in a newspaper of general circulation circulated within the district and within the area proposed to be withdrawn which the board deems most likely to give notice to the inhabitants thereof and of the district as a whole or, if no such newspaper exists, the clerk shall cause such notice to be posted in three public places within the area proposed to be excluded.

(Added by Stats. 1949, Ch. 718; amended by Stats. 1959, Ch. 1079.)

4845.33. The board of directors of the county sanitation district in which the area proposed to be excluded is situated shall report in writing to the board of supervisors at the time set for the public hearing as to the extent of the district, indebtedness, present obligations, the effect of such exclusion upon the operation of its sewage system, and whether or not the conditions provided in Section 4845.20 exist.

(Added by Stats. 1949, Ch. 718; amended by Stats. 1961, Ch. 822.)

4845.34. At the time designated, the board of supervisors shall hear the petition, if any, or the resolution of intention, and any person interested therein and may adjourn the hearing from time to time not to exceed 60 days. The board of supervisors, if it finds that the conditions provided in Section 4845.20 exist, and if it further finds that the portion of the district sought, or intended, to be withdrawn will not be benefited by remaining in the district, and that the territory not sought, or intended, to be withdrawn will be benefited by continuing as a district, may upon the conclusion of final hearing upon said petition, or said resolution of intention, grant or order such withdrawal, describing the area withdrawn, from the district; and subject to Sections 54900 to 54903, inclusive, of the Government Code said portion thereafter is no longer a portion of the district for any purpose,

except that in the event district indebtedness or district expense is outstanding and owing on the date of the order granting or ordering said exclusion, the property within any territory so excluded from the district shall nevertheless remain liable for assessment and payment of the tax for its pro rata share thereof until the extinguishment of said indebtedness or expense, except as otherwise provided in Section 4845.37.

(Added by Stats. 1949, Ch. 718; amended by Stats. 1954 (Ex. Sess.), Ch. 66, by Stats. 1959, Ch. 1079, and by Stats. 1961, Ch. 822.)

4845.35. If the area is proposed to be excluded by resolution of intention of the board of supervisors pursuant to Section 4845.31, and if written objection to the withdrawal of the territory signed by the owners of more than 50 percent in value of the assessed real property in the portion to be excluded is filed with the board of supervisors, the board of supervisors shall adopt an order abandoning the proposed exclusion without prejudice to further proceedings under this article.

(Original 4845.35 amended and renumbered 4845.37. Present 4845.35 added by Stats. 1959, Ch. 1079.)

4845.37. Territory included within a city by annexation, incorporation, or otherwise may be withdrawn from the district through any of the procedures specified in this article, without the territory, subsequent to withdrawal, being subject to any further taxes by the district for the payment of maintenance, operating, or expenses other than the payment of principal and interest on bonds outstanding at the time of withdrawal, if the board of supervisors finds, at a hearing held after a petition for withdrawal is presented to the board pursuant to Section 4845.22 and prior to calling an election for withdrawal pursuant to Section 4845.23 or at the hearing required by Section 4845.34, by a resolution duly adopted, that the territory proposed to be withdrawn is not benefited by any services performed by the district.

(Formerly 4845.35. Added by Stats. 1954 (Ex. Sess.), Ch. 66; amended and renumbered 4845.37 by Stats. 1959, Ch. 1079.)

4845.38. Territory included within a city by annexation, incorporation, or otherwise may be withdrawn from the district through any of the procedures specified in this article, without the territory, subsequent to withdrawal, being subject to any further taxes by the district for the payment of maintenance, operating, or other expenses including the payment of principal and interest on bonds outstanding at the time of withdrawal, if the board of supervisors finds, at a hearing held after a petition for withdrawal is presented to the board pursuant to Section 4845.22 and prior to calling an election for withdrawal pursuant to Section 4845.23 or at the hearing required by Section 4845.34 by a resolution duly adopted, that the territory proposed to be withdrawn is not benefited by any services performed by the district and that the territory was

annexed to the district after the bonded indebtedness was incurred.

(Added by Stats. 1961, Ch. 829.)

Article 9. Dissolution

4850. A district having no bonded indebtedness may be dissolved upon the vote of a majority of its voters upon an election called by the district board upon that question. Before dissolution all legal indebtedness of the district shall first be paid and discharged.

4851. The election on the question of dissolution shall be called and conducted in the same manner as other elections of the district, and the district board shall canvass the returns of the election within 30 days after the election.

4852. If a majority of the votes cast are in favor of dissolution of the district, the district board shall by resolution so find, and declare the district dissolved, and thereupon the district is dissolved.

4853. A certified copy of the resolution shall, within 15 days after its adoption, be filed with the clerk of the board of supervisors of the county in which the district is situated.

4854. Upon the dissolution of any district the property of the district lying within the corporate limits of any city vests absolutely in the city, and, unless the entire district is within the corporate limits of a city, the property of the district lying without the corporate limits of any incorporated city vests absolutely in the county in which the district is situated.

If the entire district is within the corporate limits of a city, upon the dissolution of the district, all property and assets of the district vest absolutely in the city.

(Amended by Stats. 1961, Ch. 1605.)

4855. If after the dissolution of the district it is found that through oversight or error there remains a legal indebtedness of the district, the board of supervisors of the county shall levy a tax upon the taxable real property within the boundaries of the district as it existed at the time of dissolution, sufficient to meet the indebtedness and interest thereon, if any, and pay it.

4856. Any funds belonging to the district at the time of dissolution shall, unless the entire district is within the corporate limits of a city, be transferred to the cities and the county, as the case may be, in proportion to the assessed valuation of the taxable real property in the cities and county respectively, as it appears on the last equalized assessment roll of the county prior to the dissolution.

If the entire district is within the corporate limits of a city, any funds belonging to the district at the time of dissolution shall be transferred to such city.

(Amended by Stats. 1961, Ch. 1605.)

Article 10. Reorganization

(Article 10 added by Stats. 1951, Ch. 819)

4857. Whenever (a) 25 percent or more of the residents and taxpayers residing within a district so petition the board of supervisors; or (b) the board of supervisors, by resolution, determines it to be in the best interests of the district, the board of supervisors may call an election to determine whether or not the district should be reorganized as a sanitary district under Part 1, Division 6 of this code. The proposed name of the reorganized district shall be designated in the petition or resolution.

(Added by Stats. 1951, Ch. 819.)

4857.5. Whenever (a) 25 percent or more of the residents and taxpayers residing within a district so petition the board of supervisors; or (b) the board of supervisors, by resolution, determines it to be in the best interests of the district, the board of supervisors may call an election to determine whether or not the district should be reorganized as a community services district under Title 5, Division 3 of the Government Code. The proposed name of the reorganized district shall be designated in the petition or resolution.

(Added by Stats. 1955, Ch. 1684.)

4858. The election called pursuant to Section 4857 of this code shall be held as provided in Sections 6460 to 6466, inclusive, of this code.

(Added by Stats. 1951, Ch. 819; amended by Stats. 1955, Ch. 1684.)

4858.5. The election called pursuant to Section 4857.5 of this code shall be held as provided in Sections 60120 to 60130, inclusive, of the Government Code.

(Added by Stats. 1955, Ch. 1684.)

4859. If the majority of the votes cast at the election are in favor of the proposed reorganization, the board of supervisors, by order entered in its minutes, shall declare the district reorganized as a sanitary district or community services district, as the case may be. Upon the adoption of the order, the district shall be deemed reorganized as a sanitary district or community services district, as the case may be, with all of the rights, powers, duties, and obligations of said district.

Said district shall cause assessments to be made and taxes to be levied to retire any and all outstanding bonded indebtedness so that the same shall be retired in the same manner and to the same extent as though said district had continued as a county sanitation district.

(Added by Stats. 1951, Ch. 819; amended by Stats. 1955, Ch. 1684.)

CHAPTER 4. SEWER MAINTENANCE DISTRICTS

Article 1. General Provisions and Definitions

4860. This chapter shall be known and may be cited as the Sewer Maintenance District Act.

4861. "District," as used in this chapter, means a sewer maintenance district formed pursuant to this chapter or pursuant to any law which it supersedes.

4862. "Board," as used in this chapter, means the board of supervisors of the county in which a district is formed, or in which it is proposed to form a district.

4863. "Clerk," as used in this chapter, means the clerk of the board of supervisors.

4864. This chapter does not repeal any law providing for the organization of sanitary districts or county sanitation districts nor authorize the governing body of a sewer maintenance district to manage, control, or otherwise interfere with the maintenance or repair of any sewers under the control of a sanitary district or county sanitation district.

4865. "Maintenance of sewers" as used in this chapter includes the extension and enlargement of sewers, within a district.

(Added by Stats. 1943, Ch. 765.)

4866. "Sewers" as used in this chapter includes lateral and collecting sewers, septic tanks and all other means of handling, gathering and disposing of sewage in the district.

(Added by Stats. 1943, Ch. 765.)

Article 2. Formation

4870. Any portion of the territory of a county, whether incorporated or unincorporated, in which lateral or collecting sanitary sewers have been installed, for the maintenance and repair of which provision is not otherwise made, may be formed into a district, except that no portion of any city shall be included within such a district unless consent of the governing body of the city is first obtained.

(Amended by Stats. 1955, Ch. 167.)

4871. The board of supervisors of any county may determine by resolution that any portion of the unincorporated area of the county not already included in a district is in need of sewer maintenance and should be formed into a district.

4872. The board shall fix a time and place to hear the proposal to form a district.

4873. The board shall direct the clerk to give notice of the hearing. The notice shall have the heading "Notice of the proposed formation of ----- Sewer Maintenance District," stating the name of the proposed district. It shall:

(a) State the time and place for the hearing.

(b) Set forth the exterior boundaries of the territory proposed to be organized into a district.

4874. The board shall direct the clerk to publish the notice once a week for two successive weeks in the newspaper of

general circulation circulated in the territory which it is proposed to organize into a district that the board deems most likely to give notice to the inhabitants of the proposed district.

4875. The board shall also direct the clerk to post the notice in three public places in the proposed district at least 10 days prior to the date set for the hearing. The heading of each posted notice shall be in letters of not less than one inch in height.

4876. At any time prior to the time fixed for the hearing any interested person may file with the clerk written objections to the formation of the proposed district.

4877. At the time and place fixed for the hearing or at any time to which the hearing is continued, the board shall consider and pass on all written objections filed.

4878. If the board overrules the objections to the formation it shall hear any person objecting to the inclusion in the proposed district of any particular territory and may, upon the hearing, exclude any territory that would not be benefited by inclusion. At the conclusion of the hearing the board may by resolution abandon the proposed formation of the district, or it may form the district and fix its boundaries either as set forth in the notice or as modified upon the hearing. The boundaries shall not be changed to include any territory outside the boundaries described in the notice.

Article 2.3. Inclusion in County Sanitation District (Article 2.3 added by Stats. 1947, Ch. 1367)

4879. Any district organized under the provisions of this act may become a part of a county sanitation district after the board of supervisors of the county within which the district is located, has, after a hearing, pursuant to the County Sanitation District Act, found and determined by resolution duly adopted that such inclusion is for the best interest of the district and the governing body of the district consents thereto by resolution adopted by the affirmative vote of four-fifths of its members.

(Added by Stats. 1947, Ch. 1367.)

4880. A district which becomes a part of the county sanitation district as hereinabove provided for is not thereby dissolved, but may continue to function, except as otherwise provided in Part 1 of Division 6 of this code, in the same manner as heretofore.

(Added by Stats. 1947, Ch. 1367.)

Article 3. Officers and Powers

4885. The board is the governing body of the district and may make and enforce all rules and regulations necessary for the administration and government of the district and for the cleaning, repair, reconstruction, renewal, replacement, operation, and maintenance of lateral and collecting sewers in it.

4886. The board may acquire by gift, condemnation, purchase, or otherwise in the name of the county, and own, control, manage, and dispose of, real and personal property necessary or convenient for the purposes of this chapter, and may perform all of the acts necessary or proper to accomplish such purposes.

(Amended by Stats. 1959, Ch. 1439.)

4887. The board may appoint the county surveyor to supervise the work of cleaning, repairing, reconstructing, renewing, replacing, operating, and maintaining the sewers and their appurtenances and may enter into contracts for the purchase of water to be used in flushing the sewers and for the disposal of sewage collected in the district.

4887.5. The board may by resolution change the name of any district to conform with a change in the street name or other designation which the district bears. The clerk shall file in the office of the county assessor and with the State Board of Equalization a certified copy of every such resolution, and upon such filing the name of the district shall be changed for all purposes.

(Added by Stats. 1953, Ch. 694.)

4888. The district may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation, for the joint acquisition or construction or use of any sewer or sewers or other works or facilities for the handling, treatment or disposal of sewage or industrial waste from the district and such other area as may be designated in said contract, when in the judgment of the legislative body of said district it is for the best interests of the district so to do. Any such contract may provide for the construction and maintenance of such sewer or sewers, or such other works or facilities, and for the payment by or for the parties thereto of such proportionate part of the cost of the acquisition, construction or maintenance of such sewer or sewers or other works or facilities as may be stated in said contract, the payments to be made at such times and in such amounts as may be provided by said contract. Any such contract may provide for the joint use of any sewer or sewers, works or facilities for the handling, treatment or disposal of sewage or industrial waste upon such terms and conditions as may be agreed upon by the parties thereto, and for the flowage, treatment or disposal of sewage or industrial waste from such area for each of the parties thereto as may be described in the contract.

Any district which has acquired or constructed or which proposes to acquire or construct, any sewer or sewers, or works or other facilities for the handling, treatment or disposal of sewage or industrial waste, may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corpora-

tion for the use of any such sewer or sewers, works or facilities by any such county, city and county, municipal corporation, district or other public corporation, or for the flowage, treatment or disposal of sewage or industrial waste from any area designated by such person, firm or corporation so contracting, upon such terms and conditions as may be provided in said contract.

(Added by Stats. 1949, Ch. 843.)

Article 4. Finances and Taxation

4890. The clerk shall file in the office of the county assessor a certified copy of each resolution of the board that affects a district in any of the following ways:

- (a) Establishes it.
- (b) Annexes territory to it.
- (c) Withdraws territory from it.
- (d) Dissolves it.

The county assessor shall thereafter in making up the assessment roll segregate on it the property included in the district.

(Amended by Stats. 1949, Ch. 699.)

4891. The board may levy a tax each year upon the real property in the district sufficient to defray the cost of maintaining, operating, and repairing the sewers in the district, of maintaining the district, and of meeting such other expenditures as are authorized by this chapter. The amount of taxes to be collected from the levy made upon property located within the incorporated area of a city may be paid in whole by the city, if the city elects to make such payment as provided in Section 4892.1.

(Amended by Stats. 1943, Ch. 197, and by Stats. 1961, Ch. 158.)

4891.1. The annual tax levy may include a reserve for contingencies not to exceed 10 percent of the total levy. The contingency reserve shall be available for expenditure during the fiscal year for which the levy was made for necessary expenses of the district for which no specific appropriation has been made. The board may provide for the cancellation of the contingency reserve at the end of each fiscal year and for the establishment of such reserve as a specific appropriation or reserve or both or may carry it forward as encumbered surplus and add to it.

(Added by Stats. 1961, Ch. 158.)

4892. The tax shall be levied and collected at the same time and in the same manner as general county taxes levied for county purposes and when collected shall be paid into the county treasury to the credit of the maintenance fund of the district and shall be used only in furtherance of the purposes of this chapter.

4892.1. On or before the first day of July the governing body of any city, the area of which, in whole or in part, is included within one or more sewer maintenance districts, may elect to pay out of municipal funds, in lieu of providing sewer

maintenance service to such territory, the whole of the amount of taxes which will be levied for district purposes for the fiscal year commencing upon said first day of July upon property located within such city.

The election shall be made by the adoption of an order reciting that the city, pursuant to this section, elects to pay the whole of the amount of taxes which will be levied by said district or districts upon property located within the incorporated limits of the city and stating the time and manner in which payment shall be made.

Upon the adoption of the order a certified copy of the same shall be presented to the governing body of the district or districts for approval. If the governing body of the district or districts is satisfied that the financial condition of the city reasonably will assure such payment and if the time and manner of payment is acceptable, the governing body of the district or districts shall by order approve the city's election to pay taxes. Immediately upon the adoption of the order approving the city's election to pay the taxes, certified copies of each order shall be filed with the county auditor, county assessor and county tax collector.

Thereafter, if the whole of the taxes which are levied on property within the city is to be paid by the city, the county auditor shall not extend the district tax on such property.

If the payment made by any city shall exceed the amount of district taxes which have been levied against property within the city, the amount of such excess without interest shall be refunded to the city prior to the close of the fiscal year for which the payment was made.

Any election to pay taxes pursuant to this section shall be effective only for the fiscal year for which made.

(Added by Stats. 1961, Ch. 158.)

4893. If a district is organized in any year too late for the levy of a tax in that year or in the next ensuing year, the board is hereby authorized to transfer funds of the county not immediately needed for county purposes to the maintenance fund of the district to be used for the payment of the expenses of such district until such time as special assessment tax receipts are available therefor. The board shall include in the levy of taxes for the district for the first fiscal year in which a tax may be levied, a sum sufficient to repay to the county the amounts so transferred to the district for the portion or portions of the preceding fiscal year or years for which no levy of taxes was made for that purpose and the amounts so transferred shall be retransferred to the county treasury from the maintenance fund of the district out of the first available receipts from the tax levy.

(Added by Stats. 1947, Ch. 599.)

4894. Pursuant to a resolution adopted by its board of supervisors, a county may lend any of its available funds to a county sewer maintenance district located wholly within the county for use by the district in emergency situations for

the construction, reconstruction, and repair of sewer systems within the district. The loan shall not exceed 100 percent of the tax levy of the district for the year in which the loan is made.

The board of supervisors in the resolution shall specify the date and manner in which the funds shall be repaid. The resolution may provide for the payment of interest on the loan and the loan shall be repaid at the times and in the manner specified in the resolution which time shall not in any event exceed five years.

Funds so loaned shall be deemed to have been appropriated by the district for the purposes for which the loan was made.

(Added by Stats. 1961, Ch. 1680.)

Article 5. Annexation

4895. Outlying territory, whether incorporated or unincorporated, and whether contiguous or not, may be annexed to a district as provided in this article, except that no portion of any city shall be annexed unless consent of the governing body of the city is first obtained.

(Amended by Stats. 1939, Ch. 596, by Stats. 1953, Ch. 440, and by Stats. 1955, Ch. 167.)

4896. The board may by resolution fix a time and place for a hearing upon the question of the annexation of territory to a district. The resolution shall describe the boundaries of the territory proposed to be annexed.

4897. The date set for the hearing on the proposed annexation shall be at least three weeks after the date of the adoption of the resolution setting the hearing.

4898. The board shall cause notices of the hearing to be posted in at least three conspicuous places in the territory proposed to be annexed and in at least three conspicuous places in the district. However, if the territory proposed to be annexed is in more than one existing district the notices shall be posted in at least three conspicuous places in each district in which is situated any of the territory proposed to be annexed.

4899. The notices shall be headed "notice of hearing" in letters not less than one inch in height and shall contain a description of the territory proposed to be annexed and a statement of the time and place of the hearing. In lieu of the description the boundaries of territory proposed to be annexed may be shown by means of a diagram printed upon the notice. The notices shall be posted not less than 10 days prior to the date set for the hearing. In addition to the notices the board shall direct its clerk to publish a notice once a week for two successive weeks in the newspaper of general circulation circulated in the district and another in the territory proposed to be annexed that the board deems most likely to give notice of the hearing to the inhabitants of each.

4900. At the time fixed for the hearing or at any time to which it is continued the board shall hear and pass upon the

proposal and any objections that may be filed to the inclusion of any property in the proposed annexation.

The board may, by order entered upon its minutes, determine that the territory proposed to be annexed or any part will be benefited by annexation and may order that the boundaries of the district be altered to include that territory.

4901. If the territory annexed to the district comprises a portion of another district formed under the provisions of this chapter, or under the provisions of Chapter 26 (commencing at Section 5820), Part 3, Division 7 of the Streets and Highways Code, upon the annexation becoming complete the territory shall thereupon be withdrawn from the district of which it theretofore formed a part.

(Amended by Stats. 1957, Ch. 772.)

4902. If the territory annexed to the district comprises all of another district, formed under the provisions of this chapter, or under the provisions of Chapter 26 (commencing at Section 5820), Part 3, Division 7 of the Streets and Highways Code, the theretofore existing district is thereupon dissolved. The funds of the dissolved district shall be transferred to the district to which all its territory has been annexed and all contracts or obligations of the dissolved district become the obligations of the district to which the territory has been annexed.

(Amended by Stats. 1959, Ch. 151.)

4903. The exclusion of territory from one district and its annexation to another district shall not be effective until all outstanding contracts of the district from which it is excluded have expired or the contracts, with the consent of the parties, have been modified or canceled so as to relieve the district of further obligation to pay for future maintenance in the territory excluded, and until the funds remaining on hand upon the completion of the exclusion and annexation have been apportioned between the district to which the territory was annexed and the district from which it was excluded.

The division of the funds shall be prorated in the proportion that the assessed value of the real property of the territory so excluded bore to the total assessed value of the real property in the district immediately prior to the exclusion.

Article 6. Exclusion

4905. Any portion of a district that will not be benefited by remaining in the district may be excluded as provided in this article.

4906. A petition to exclude territory shall be signed by 50 or more freeholders in the portion proposed to be excluded from the district, or by a majority of the freeholders, if there are less than 100 freeholders in the portion proposed to be excluded. The petition shall request the exclusion of that territory from the district on the ground that it will not be benefited by remaining in the district.

4906.1. As an alternative to the procedure outlined in Section 4906, the board may by resolution entered in its minutes fix a time for a hearing on the question of the exclusion of any portion of a district which will not be benefited by remaining in the district. The time fixed for the hearing shall not be less than 15 or more than 30 days from and after passage of the resolution.

(Added by Stats. 1955, Ch. 167.)

4907. Upon receiving a petition to exclude territory the board shall fix a time for hearing it and for hearing protests to the continuance of the remaining territory as a district. The time of hearing shall not be less than 15 nor more than 30 days after the receipt of the petition.

4908. At least 10 days prior to the time fixed, the board shall publish a notice of the hearing by one insertion in the newspaper circulated in the district that the board deems most likely to give notice to the district's inhabitants of the proposed exclusion.

4909. Any person interested may appear at the hearing and object to the exclusion of the territory from the district, or may object to the continuance of the remaining territory as a district, and the board shall consider all objections and shall pass upon them.

4910. If the board finds that the territory proposed to be excluded will not be benefited by remaining in the district, and that the territory not proposed to be excluded will be benefited by continuing as a district, it shall by resolution declare the district re-established excluding therefrom the territory found not benefited by remaining in the district.

(Amended by Stats. 1949, Ch. 699, and by Stats. 1955, Ch. 167.)

4911. Upon the exclusion of any territory from the district all property acquired for the district shall remain vested in the county and be used for the purposes of the district.

Article 7. Dissolution

4915. A district may be dissolved by the board as provided in this chapter.

4916. A petition for dissolution, signed by 50 or more freeholders and residents of the district, or by a majority of the freeholders and residents if there are less than 100 freeholders and residents in the district, may be filed with the board to initiate dissolution proceedings, or the board may by resolution initiate dissolution proceedings.

(Amended by Stats. 1961, Ch. 827.)

4917. Upon receiving a petition for dissolution, or adopting a resolution to initiate dissolution proceedings, the board shall fix a time for a hearing of the petition or resolution, which shall not be less than 15 nor more than 30 days after its receipt or adoption.

(Amended by Stats. 1961, Ch. 827.)

4918. At least 10 days prior to the time fixed, the board shall publish a notice of the hearing by one insertion in a newspaper circulated in the district.

4919. At the time appointed for the hearing or at any time to which it is continued, the board shall hear and pass upon the petition or resolution and may grant or deny the proposed dissolution, and its decision is final.

(Amended by Stats. 1961, Ch. 827.)

4920. If the proposed dissolution is granted, the board shall by resolution order the dissolution of the district and the district is thereupon dissolved. The property of the district remains the property of the county in which the district is located.

If at the time of the dissolution there is any indebtedness of the district outstanding, the district shall be dissolved for all purposes except the levy and collection of taxes for the payment of such outstanding indebtedness. From the time the district is thus dissolved until the indebtedness is fully paid, the board of supervisors of the county wherein the district is located shall be the ex officio governing body of the district. That body shall levy such taxes and perform such other acts as may be necessary to pay the outstanding indebtedness of the district.

(Amended by Stats. 1961, Ch. 827.)

4921. Upon the inclusion of all the territory of a district in one or more cities, either by reason of annexation or by reason of the incorporation of one or more cities, all funds paid into the county treasury to the credit of the district shall be paid over by the board as provided in this article.

4922. If all of the district is included in one city, the fund shall be paid to the treasurer of the city and administered by the governing body of the city.

4923. If a part only of the district is so included in one city and the remaining part of the district is included in one or more other cities then such proportionate part of the funds shall be paid to the treasurer of each city as the assessed valuation of the real property of the portion of the district included in each city bore, before being so included, to the total assessed valuation of the real property of the district.

4924. The funds paid over by the district to a city shall be administered by its governing body for the benefit of such portions of the district as are included in the city, and for the purpose of operating and maintaining the sewers in it formerly maintained by the district.

4925. When all territory in a district has been included in a city the district is thereupon, by reason of the inclusion, dissolved.

4926. If less than the whole of a district is included in a city either by reason of annexation or by reason of incorporation proceedings, the territory so included within the city shall continue to remain a part of the district for all purposes

until a copy of a resolution adopted by the city requesting exclusion of such territory from the district is received by the board. Upon receipt of such a resolution requesting exclusion of the territory contained within the city, such territory shall be excluded from the district and the remaining territory shall continue as a district. But the exclusion of such territory from the district shall not be effective until all outstanding contracts of the district have expired or the contracts, with the consent of the parties, have been modified or canceled so as to relieve the district of further obligation to pay for future maintenance in the affected territory.

(Amended by Stats. 1955, Ch. 167.)

4927. If all of the district is included within a sanitary district, the district is dissolved upon the filing with the Secretary of State of a resolution adopted by the district board of the sanitary district and approved by the board of supervisors which states that the sanitary district is able to provide the same service as is being provided by the sewer maintenance district and declares that the sewer maintenance district is dissolved. A copy of the resolution shall be filed with the board of supervisors.

Upon the dissolution of the sewer maintenance district, the property and funds which are held by the county for the sewer maintenance district vest in the sanitary district and the county shall convey such property and pay over such funds, to the sanitary district. The sanitary district shall also succeed to any liability or outstanding obligation of the sewer maintenance district at the time of its dissolution.

(Added by Stats. 1961, Ch. 938.)

CHAPTER 5. SEWER REVENUE BONDS

Article 1. General Provisions and Definitions

4950. "Works," as used in this chapter, includes sewage treatment plants, intercepting and collecting sewers, outfall sewers, force mains, pumping stations, ejector stations, and all other appurtenances necessary, useful, or convenient, for the collection, treatment, purification, or disposal of sewage, and necessary lands, rights of way, or other property.

4951. "District," as used in this chapter, includes city, county, city and county, or any municipal or public corporation or district which is authorized to acquire, construct, own, or operate a sewer system.

(Amended by Stats. 1943, Ch. 765 and by Stats. 1951, Ch. 500.)

4952. "Governing body," as used in this chapter, means the governing body of the district.

4953. "Clerk," as used in this chapter, means the clerk or secretary of the governing body or of the district.

4954. "Area," as used in this chapter, means the area served, or proposed to be served, by the works, or proposed works.

4955. "Rates," as used in this chapter, includes rates and charges.

4956. "Bonds," as used in this chapter, means revenue bonds authorized by this chapter.

4957. "Treasurer," as used in this chapter, means the treasurer of the district.

4958. "Owners of improved real property," as used in this chapter, means persons who are recorded on the books of the assessor and tax collector as the owners of lots or parcels of land in the area that are improved by buildings that would be subject to service of works under the provisions of this chapter, on completion of the project.

4959. The provisions of this chapter regarding a referendum shall be liberally construed to effect the objects of this chapter, and no irregularity or informality shall invalidate the election when it appears that the provisions of law have been substantially complied with.

4960. This chapter is an additional and alternative method to those already provided for the acquisition, construction, extension, and operation of the works referred to in this chapter.

Article 2. Resolution

4965. Before a district acquires or constructs any works under this chapter, its governing body shall adopt a resolution declaring its intention to do so.

4966. The resolution of intention shall contain all of the following:

(a) A brief and general description of the works. If they are to be constructed, a reference to the plans and specifications that have been prepared and filed by the engineer chosen by the governing body.

(b) The estimated cost of the works to be acquired or constructed, and the amount of bonds to be issued and sold.

(c) A general description of the area to be served by the proposed works, referring to a plat of the area, which shall govern for all details.

(d) An estimate of the number and character of the places and properties to be served by the works, including those ready for immediate service and those in expectancy.

(e) An estimate of the immediate revenue that would be received from the operation of the works, and of future revenues in expectancy.

(f) A statement that revenue bonds of the district will be issued to cover the cost of the works.

(g) A notice of the time and place when persons interested may appear before the governing body and be heard as to any protests or objections they may have against the acquisition or construction of the proposed works and the issuance and sale of bonds.

(Amended by Stats. 1939, Ch. 1124.)

Article 3. Notice, Hearing, and Election

4970. The time set for the hearing shall be not less than 20 nor more than 40 days after the adoption of the resolution.

4971. The governing body shall cause the resolution to be published twice in one or more newspapers published and circulated in the district. If no newspaper is published in the district, then the publication shall be made in a newspaper published in the county in which the district is located.

4972. A copy of the resolution headed "Notice of Sewer Work," in letters not less than one inch in height, shall be posted in the district along the entire length of that street in the district which, in the opinion of the governing body, is traversed by the largest number of people. The notices shall be posted not less than 300 feet in distance apart, and not less than three notices shall be posted in any case.

4973. Both the posting and the publication shall be completed at least 10 days before the time set for the hearing. Affidavits of publication and of posting shall be filed with the clerk.

4974. At the time set for the hearing, the governing body shall hear all persons or their representatives having any objections to the acquisition or construction of the works as proposed, also any suggestions that may be offered in the way of an amendment or modification of the proposition. The governing body may continue the hearing from time to time, and modify the boundaries of the area by eliminating territory, but no new territory shall be added.

4975. If, before the conclusion of the hearing, a petition signed by not less than 15 per cent of the owners in the specified area is filed with the governing body requesting that body to submit the proposition of acquiring or constructing the proposed works to an election of property owners in the area, the governing body shall forthwith call an election in the area for that purpose. The election shall be restricted to the owners of improved real property in the area.

4976. If called, the election shall be held and conducted, the votes received and canvassed, and the returns made, determined, and declared, so far as practicable, in accordance with the laws governing the enactment or rejection of city ordinances by means of the initiative or referendum, except that no person is entitled to vote at the election except one owning improved real property in the area.

4977. If the question goes to an election each owner of improved real property shall have but one vote regardless of the number of lots or parcels of land owned by him. Where property stands in the name of two or more persons each of them shall have a vote. The vote of corporations shall be cast by its president or secretary, properly authorized in writing.

4978. If written protests or objections are filed with the governing body, signed by more than one-half of the owners

of improved real property in the area, as the owners are shown on the records of the assessor and the tax collector of the district, no further proceedings shall be taken in the matter for six months, and not then without the passage of a new resolution of intention.

4979. If protest is not filed by a majority of the owners of improved real property in the area, or if the proposal is not rejected at a referendum election, the governing body acquires jurisdiction to proceed.

(Amended by Stats. 1939, Ch. 1124.)

Article 4. Bonds

4985. The cost of the acquisition or construction of the works for which bonds may be issued includes all of the following:

(a) The cost of all property, rights, easements, and franchises deemed necessary or convenient therefor.

(b) Engineering, clerical, legal, financial, paying and fiscal agent's fees and expenses, cost of bond proceedings, bond reserve funds and working capital and bond interest estimated to accrue during the construction period and for a period of not to exceed twelve (12) months after completion of construction.

(c) All other expenses connected with or incident to the works in the operation and performance of the acts required by this chapter to be done.

(Amended by Stats. 1957, Ch. 8. In effect February 1, 1957.)

4986. Bonds issued and sold under this chapter shall be revenue bonds of the character and form known as "serials." Each bond shall be entitled "sewer revenue bond," and shall be paid and discharged within 40 years from its date.

(Amended by Stats. 1939, Ch. 1124.)

4987. Each bond, except those of the last installment, or one of each annual installment, shall be in multiples of one hundred dollars (\$100), in such amount as the governing body determines, but no bond shall be of greater denomination than one thousand dollars (\$1,000).

4988. The bonds shall bear interest, as the governing body shall determine, at a rate not to exceed 6 percent per annum, and shall, after the first principal maturity, be payable semi-annually by coupon.

(Amended by Stats. 1939, Ch. 1124, and by Stats. 1951, Ch. 1648.)

4989. The governing body shall prescribe the form of the bonds, and provide that of the indebtedness represented thereby a part shall be payable each year after their date, at a time and place to be designated in the bonds, together with interest, until the whole of the indebtedness has been paid.

The maturity date of the first bond or series of bonds may be deferred for a period not exceeding five years from the date of the bonds.

4990. The number of bonds to be paid each year need not be the same, and the governing body may fix maturities so that the number of bonds retired each year will, in the discretion of the governing body, be most equitable and just; however, all bonds shall be completely paid within 40 years from date of issue.

4991. If the district is a city, the bonds shall be signed by the mayor if there is one; otherwise by the president or chairman of the governing body, and countersigned by the clerk. The seal of the district shall be affixed to the bond. The coupons shall be signed by the treasurer by his engraved or lithographed signature.

If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before the delivery of the bonds to the purchaser, his signature or countersignature is nevertheless as valid and sufficient for all purposes as if he had remained in office.

4992. In the ordinance authorizing the issuance of the bonds, provision may be made, but are not limited to provisions:

(a) That all or part of the bonds are callable, the manner of the call and the premiums to be paid thereon;

(b) That all or part of the bonds are payable at the office of a paying or fiscal agent, within or without the State, and for the payment of fees therefor;

(c) For the pledge of revenues, its nature, and its parity with other sewer revenue bonds issued or to be issued;

(d) For the percentage that annual net revenues shall bear to bond and interest payments;

(e) For reserve, surplus and other funds usual in the issuance of revenue bonds;

(f) For the duties and obligations of the district;

(g) For the remedies of bondholders, which may be in addition to those provided herein;

(h) For the manner of amending or abrogating the bond ordinance or refunding any or all bonds thereunder;

(i) For occurrences in the event of default and the rights and remedies arising therefrom; and

(j) For usual and customary covenants for the security and protection of the payment of the bonds.

(Repealed by Stats. 1939, Ch. 1124; added by Stats. 1957, Ch. 8. In effect February 1, 1957.)

4993. If the proceeds of the bonds for any reason are less than the cost of the works, additional bonds may in like manner be issued and sold to provide for the amount of the deficit, but not to exceed the amount necessary to complete the works according to the original plans and specifications. Such deficiency bonds shall be deemed to be the same in all respects as the original issue, and shall be entitled to payment, without preference or priority over the bonds first issued, and shall be disposed of in like manner.

4994. No error, defect, irregularity, informality, and no neglect or omission of any officer of any district in any proceedings under this chapter, that does not affect the jurisdiction of the governing body to order the doing of the acts proposed to be done, avoids or invalidates the proceedings or any bond. The exclusive remedy of any person affected or aggrieved thereby shall be to the governing body as provided in this chapter.

4995. Bonds may be made payable on a date subsequent to the time fixed for the collection of the second installment of general district taxes with which the first levy of taxes for the payment of the principal and interest of said bonds is to be collected. In such event, the first interest coupons shall be for interest from the date of said bonds of such issue or series or division to the maturity date of said coupons.

(Repealed by Stats. 1939, Ch. 1124. Added by Stats. 1951, Ch. 1648.)

4996. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

(Added by Stats. 1951, Ch. 1648; amended by Stats. 1961, Ch. 1517.)

4997. In determining the amount of bonds to be issued, the legislative body may include:

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said bonds, bond reserve funds and working capital and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

(Added by Stats. 1957, Ch. 1378.)

Article 5. Powers

5000. Any district may acquire, construct, and operate works within or without its limits.

5001. It may acquire by gift, purchase, condemnation, or otherwise, all lands, rights of way, or other property necessary therefor.

5002. It may issue and sell bonds for the acquisition and construction of works.

(Amended by Stats. 1939, Ch. 1124.)

5003. The governing body shall have supervision and control over the construction, acquisition, and operation of the works, and the collection of rates for their use.

5004. The governing body may take all steps and proceedings and make and enter into all contracts or agreements necessary, convenient, or incidental to the performance of its duties or the execution of its powers under this chapter.

5005. It may employ engineers, architects, inspectors, superintendents, a manager, collectors, attorneys, and such other employees as in its judgment are necessary or convenient in the execution of its powers and duties, and may fix their compensation.

5006. The governing body shall establish rules and regulations for the use of the works, including all sewers and works connected therewith, as may be necessary or expedient to insure the successful operation of the works.

5007. The governing body shall provide that all public ways or public works damaged or destroyed in carrying out the provisions of this chapter shall be restored or repaired, and placed in their original condition, as nearly as practicable, out of funds provided under this chapter.

5008. In the operation of the works, the district may do any or all of the following:

(a) Sell, or otherwise dispose of any water, sewage effluent, fertilizer, or other by-products resulting from the operation of a sewerage system or sewage treatment or disposal plant, and construct, maintain, and operate such pipe lines and other works as may be necessary for those purposes.

(b) Construct, maintain, and operate pipe lines or such other works as may be necessary to conserve and put to beneficial use any water or sewage effluent recovered from the operation of the sewerage system, plant, or works by sale or disposition for agricultural or industrial purposes, including irrigation, or by discharging or spreading the water or sewage effluent in such manner as to percolate into the underground gravels and replenish natural water resources.

(c) Exercise the power of eminent domain under the Constitution and laws of the State in so far as it may be necessary to carry out the provisions of this chapter.

(d) Make such contracts with the Reconstruction Finance Corporation or other fiscal agency of the United States as are necessary to meet the requirements of the Emergency Relief and Construction Act of 1932.

5009. Whenever any community in the district is provided with a sewerage system under this chapter the governing body having jurisdiction over that community shall declare the further maintenance or use of cesspools or other local means of sewage disposal to be a public nuisance and shall require all buildings inhabited or used by human beings to be connected with the sewerage system, within 90 days from completion, if the buildings to be served thereby are within 100 feet of the system.

5010. All works acquired or constructed under this chapter where the expense involved exceeds five hundred dollars (\$500), shall be done by contract which shall be awarded to the lowest responsible bidder as provided in this chapter. If the bonds are purchased by the Reconstruction Finance Corporation or other fiscal agency of the United States on condition or request that the governing body have the work performed

by day labor instead of by contract, the governing body may comply with the condition or request and the work need not be done by contract.

5011. The governing body shall comply with all the conditions and requirements of the Emergency Relief and Construction Act of 1932, respecting the employment of labor, and other matters in connection therewith unless they are in conflict with the Constitution and laws of this State.

5012. Before awarding any contract for construction of works the governing body shall cause to be published a notice inviting sealed bids for doing it.

The notice shall refer to the plans and specifications on file. It shall be published twice in a daily, semiweekly, or weekly newspaper, published and circulated in the district, and designated by the governing body. If there is no newspaper published in the district, and the district is less than a county, the notice shall be published in a newspaper in the county in which the district is located.

The time fixed for receiving bids shall be not less than 10 days from the first publication of the notice.

5013. All bids shall be accompanied by a certified check payable to the district for an amount that is not less than 10 per cent of the aggregate of the bid. No bid shall be considered unless accompanied by the check.

5014. The bids shall be delivered to the clerk. The governing body shall, in open session, publicly open, examine, and declare them.

5015. The governing body may reject all bids if it deems this for the public good, and shall reject all bids other than the lowest regular responsible bidder, and may award the contract to him at the price named in his bid.

5016. If the bids are rejected or if no bids are received, the governing body may readvertise for bids as in the first instance without further proceedings.

5017. If the successful bidder fails, neglects, or refuses for 20 days after written notice of the award has been mailed him to enter into the contract to perform the work, the check accompanying his bid, and the amount therein named, shall be declared forfeited to the district, and shall be collected by it and paid into its general fund.

5018. Each contractor shall, at the time of entering into the contract, execute a surety bond to the satisfaction and approval of the governing body in a sum not less than 25 per cent of the amount of the contract, conditioned upon its faithful performance.

5019. The contract shall provide that the work shall be commenced within 20 days after the contractor has received written notice from the clerk that there is sufficient money or revenue bonds in the special fund provided to pay the contract price.

5020. At the time of entering into the contract the contractor shall execute, deliver, and file with the governing body

a good and sufficient surety bond, in a sum not less than one-half the total amount payable by the terms of the contract, conditioned upon the payment by the contractor or his sub-contractors, for any and all materials, provisions, provender, other supplies, or teams, or the use of implements or machinery used in, upon, or about the performance of the work.

5021. All provisions of the codes and general laws relating to notice and the foreclosure of such liens are applicable, but suit may only be brought on the bond within six months after the expiration of the period for the filing of verified claims.

5022. In all respects not otherwise provided for in this chapter the bond shall be in conformity with the requirements of the general law of the State regarding contractor's bonds for the benefit of laborers and materialmen, who shall have a first lien against any moneys or bonds due or about to become due the contractor.

Article 6. Finances

5025. All necessary preliminary expenses incurred by the governing body in carrying out this chapter, including the making of surveys, plans, and estimates of costs and revenues, compensation of employees, the giving of notices, taking of options, and all other expenses of whatsoever nature, necessary to be paid prior to the issue and sale of the bonds, may be advanced out of the general fund of the district. The general fund shall be fully reimbursed out of the first money received from the sale of the bonds, and before any other disbursements are made therefrom.

5026. All compensation of employees, and all other expenses, incurred in carrying out the provisions of this chapter shall be paid solely from funds provided under the authority of this chapter.

5027. After reimbursement and repayment to the district of all amounts advanced for preliminary expenses, all money, other than premiums and accrued interest, received from the sale of bonds shall be applied solely to the cost of the works.

5028. The money received from the collection of the rates, together with any other revenue derived from the operation of the works, shall be deposited in a bank by the treasurer in the same manner that public money is deposited by cities. The money so deposited shall be kept in a fund or funds and shall be applied as provided in this chapter.

(Amended by Stats. 1963, Ch. 1659.)

5029. In the ordinance for the issuance of bonds the governing body shall provide that the revenues derived from the operation of the works shall be used only for:

(a) The payment or providing for payment, including payments into any reserve or sinking funds, as the same falls due, of the principal of and the interest on the bonds;

(b) The management, maintenance, operation and repair costs of the works.

After provision has been made for the payment of the foregoing, any surplus remaining may be used as follows: (a) for the purchase in the open market of the outstanding unmatured bonds of the district; (b) for extensions, or for the enlargement, replacement or betterment of the works; (c) for any lawful purpose of the district.

(Amended by Stats. 1963, Ch. 1659.)

5030. In its discretion the governing body may provide in the ordinance providing for the issuance of bonds that the management, maintenance, operation and repair costs of the works shall be paid from the revenue derived from the operation of the works prior to paying the principal, interest and sums for other security funds.

(Amended by Stats. 1963, Ch. 1659.)

5031. All money received for premium and accrued interest shall be paid into a fund for the payment of interest on the bonds and used for the purposes for which it was created.

(Amended by Stats. 1963, Ch. 1659.)

5032. A district issuing bonds shall install and maintain a proper system of accounts, showing the amount of revenue received and its application. The district shall at least once a year cause the accounts to be properly audited by a competent auditor. The report of the audit shall be open for inspection at all times by any taxpayer, user of the works, holder of bonds, or any representative of such person.

5033. The treasurer is custodian of the funds derived from income received from the works constructed or acquired under the provisions of this chapter.

5034. The treasurer shall give a proper surety bond for the faithful discharge of his duties as custodian, which bond shall be fixed and approved by the governing body. The premium on the surety bond shall be paid by the district.

Article 7. Rates and Collection

5040. The governing body shall establish just and equitable rates for the use and maintenance of the works, to be paid by the person leasing or occupying the building or premises served thereby or that in any way uses or is served by the works, and may change and readjust the rates from time to time. The rates shall be sufficient in each year for the payment of the proper and reasonable expenses of operation, repair, replacement, and maintenance of the works, and for payment of the principal of and the interest on the bonds.

(Amended by Stats. 1963, Ch. 1659.)

5041. The governing body shall establish rates that, beyond all reasonable doubt, will bring in sufficient money to meet the interest and principal on all outstanding bonds as they fall due, in addition to the expense of operation.

5042. Whenever it appears that the rates are insufficient to provide enough money to pay the principal and interest, in

addition to the operating expenses, and the governing body neglects or refuses to fix adequate rates therefor, any bondholder may petition the superior court for a writ of mandate to compel the governing body to increase the rates to such an extent as will make them sufficient to provide enough money for those purposes.

5043. The governing body may establish variable rates for different classes of users, or for different parts of the area, where all or any portion of the sewage works have been previously installed and financed under other laws or methods, so that the variable rates may be most equitable and just to all concerned.

5044. However, the rates may only be imposed and collected from the users of all or any portion of such works as are constructed with money derived from the sale of the bonds.

5045. If the users of all or any portion of any works previously acquired and financed by other methods receive any additional benefits from the construction or operation of all or any portion of the works subsequently constructed or acquired from the proceeds of the bonds, the governing body may impose reasonable rates on the works previously acquired, but only sufficient to cover the value of the additional benefits.

5046. No rates shall be established until after a public hearing, at which all the users of the works and owners of property served or proposed to be served thereby and others interested have opportunity to be heard concerning the proposed rates.

5047. After introduction of the ordinance, resolution, or order fixing the rate, and before it is finally enacted, notice of the hearing, setting forth the proposed schedule of rates shall be given by one publication in a newspaper published in the district, if there is such a newspaper, but otherwise in a newspaper having general circulation in the district. The notice shall be published at least 10 days before the date fixed in the notice for the hearing. The hearing may be adjourned from time to time.

5048. After the hearing the ordinance, resolution, or order establishing rates, either as originally introduced or as modified and amended, shall be passed and put into effect.

5049. A copy of the schedule of the rates shall be kept on file in the office of the clerk, and shall be open to inspection by any interested person.

5050. The rates for any class of users or property served may be extended to cover any additional premises thereafter served which fall within the same class, without the necessity of hearing or notice.

5051. Any change or readjustment of the rates shall be made in the same manner as the rates were originally established.

5052. If the rate is not paid when due, on the first day of each calendar month thereafter a penalty of 10 per cent of the amount of the delinquent rate shall be added.

5053. The rates and penalties may be collected in the following manner:

(a) An action may be brought in the name of the district against the person who occupied the property when the service was rendered for the collection of the amount of the delinquent rate and all penalties. A reasonable attorney's fee shall be awarded the plaintiff.

(b) The governing body may provide that the rates shall be collected with the rates for any other utility service rendered by the district and all the rates shall be itemized, billed upon the same bill, and collected as one item, together with and not separate from such other utility service charge.

(c) Such rates may be collected with the rates for any other utility service furnished by a department or agency of such district over which the legislative body thereof does not exercise control, or with a publicly or privately owned public utility, with the written consent and agreement of said department or agency or public utility owner, which agreement shall establish the terms and conditions upon which such collections shall be made. Such agreement, in the discretion of such department or agency or public utility owner making the collections, also may provide that said rates shall be itemized, billed upon the same bill, and collected as one item, together with and not separately from such other utility service charge.

(Amended by Stats. 1949, Ch. 1507.)

5054. The remedies specified for collecting and enforcing rates are cumulative and may be pursued alternatively or may be used consecutively when the governing body so determines.

If any remedy is invalid, all valid remedies shall remain effectual.

5055. Until the principal and interest of the bonds are fully paid any holder of any bond outstanding at any time may compel the use of any or all of the remedies provided in this chapter.

5056. After rates are fixed pursuant to this article, any person may pay such rates under protest and bring an action against the governing body in the superior court to recover any money which the governing body refuses to refund. Payments made and actions brought under this section, shall be made and brought in the manner provided for the payment of taxes under protest and actions for refund thereof in Article 2, Chapter 5, Part 9, Division 1 of the Revenue and Taxation Code, insofar as those provisions are applicable.

(Added by Stats. 1949, Ch. 865.)

Article 8. Leases

5060. Any district owning or operating works may contract with one or more other cities, counties, sanitation districts, or sanitary districts for the use of the works, but only to the extent of their capacity and without impairing their usefulness, upon such terms and conditions as may be

fixed and approved by ordinances of the respective contracting entities. Contracts shall not be made for a period of more than 15 years nor in violation of the provisions of the ordinance authorizing the bonds.

5061. The governing body of the district may by ordinance establish, change, and adjust rates for the service rendered in the lessee-district by the works, against the owners of the premises served, in the manner provided for establishing, changing, and adjusting rates for the service rendered in the district where the works are owned and operated, and the rates constitute a lien on the property served, and shall be collected as provided for rates made by the owner-district.

5062. The necessary intercepting sewers and appurtenant works for connecting the works of the owner-district with the sewerage system of the lessee-district shall be constructed by the owner-district or the lessee-district, or both, upon such terms and conditions as are set forth in the contract, and the cost or that part of the cost which is to be borne by the owner-district may be paid as part of the cost of the works from the proceeds of the bonds unless otherwise provided by the ordinance.

5063. The income received by the owner-district under the contract shall, if so provided in the ordinance, be deemed to be a part of the revenue of the works. The owner-district shall deduct from the whole cost and expenses such part as shall be paid by the lessee-district pursuant to the provision of the contract; but no rates shall be imposed or collected from the users of the works or portions thereof except in cases where the works or portions thereof have been acquired by means of the bonds, and unless additional benefits will be derived by the users as a result of the contract. In that case the rates shall be only sufficient to cover the value of the additional benefits.

Article 9. Annexation and Exclusion

(Article 9 added by Stats. 1951, Ch. 629)

5070. Territory which has become annexed to a district which has authorized the issuance of bonds pursuant to this chapter, and which territory shall use the works, shall become subject to the rates and charges imposed by the district for the use and maintenance of the works.

(Added by Stats. 1951, Ch. 629.)

5071. Territory which has been withdrawn from a district which has authorized the issuance of bonds pursuant to this chapter, and which territory continues to use the works, shall remain liable for the payment of its pro rata share of the rates and charges imposed by the district for the use and maintenance of the works.

(Added by Stats. 1951, Ch. 629.)

5072. A city to which any territory has been annexed, whether or not said territory has been withdrawn from a district which has authorized the issuance of bonds pursuant to this

chapter, and which territory continues to use the works, may contract with the district to pay the district annually or at lesser intervals a sum or sums in lieu of the payment by the owners or residents within said territory of the rates and charges imposed by the district for the use and maintenance of the works.

(Added by Stats. 1951, Ch. 629.)

CHAPTER 6. GENERAL PROVISIONS WITH RESPECT TO SEWERS

Article 1. Rights of Way for Sewers and Drainage

5400. The board of supervisors of a county may vacate or abandon easements for sewage or drainage purposes whenever it determines that they are no longer required for public use.

Article 2. Sewage and Industrial Waste

(Article 2 repealed and added by Stats. 1949, Ch. 1550)

5410. As used in this chapter:

(a) "Sewage" means any and all waste substance, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal excreta or excrement, offal, or any feculent matter.

(b) "Industrial Waste" means any and all liquid or solid waste substance, not sewage, from any producing, manufacturing or processing operation of whatever nature.

(c) "Person" as used in this article also includes any city, county, and any district.

(d) "Waters of the State" means any waters, surface or underground, including saline waters, within the boundaries of the State as defined and described in Section 1 of Article XXI of the Constitution and as given greater precision in Sections 170, 171, and 172 of the Government Code.

(e) "Contamination" means an impairment of the quality of the waters of the State by sewage or industrial waste to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease. "Contamination" shall include any equivalent effect resulting from the disposal of sewage or industrial waste, whether or not waters of the State are affected.

(f) "Pollution" means an impairment of the quality of the waters of the State by sewage or industrial waste to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic, industrial, agricultural, navigational, recreational or other beneficial use.

(g) "Nuisance" means damage to any community by odors or unsightliness resulting from unreasonable practices in the disposal of sewage or industrial wastes.

(h) "Regional board" means any regional water pollution control board created pursuant to Section 13041 of the Water Code.

(Repealed and added by Stats. 1949, Ch. 1550.)

5411. No person shall discharge sewage or industrial waste, or the effluent of treated sewage or industrial waste, in any manner which will result in contamination, pollution or a nuisance.

(Repealed and added by Stats. 1949, Ch. 1550.)

5412. Whenever the state department or any local health officer finds that a contamination exists, the department or officer shall order the contamination abated, as provided in this chapter.

(Repealed and added by Stats. 1949, Ch. 1550.)

5413. Whenever the state department finds that a pollution or nuisance does, in fact, exist, such condition shall be immediately referred by the department to the proper regional board for action, together with any recommendations for correction. Upon request of a regional board the state department shall inspect and report to the board on any technical factors involved in any condition of pollution or nuisance.

(Repealed and added by Stats. 1949, Ch. 1550.)

5414. With respect to any condition of contamination, the state department may accept the action of any state, county, or municipal officer or agency having jurisdiction over the matter as sufficient.

(Repealed and added by Stats. 1949, Ch. 1550.)

5415. No provision in this chapter is a limitation:

(a) On the power of a city or county to adopt and enforce additional regulations not in conflict therewith imposing further conditions, restrictions, or limitations with respect to the disposal of sewage or industrial waste.

(b) On the power of any city or county to declare, prohibit, and abate nuisances.

(c) On the power of a state agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce or administer.

(d) On the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in the Civil Code or for relief against any contamination or pollution.

(Repealed and added by Stats. 1949, Ch. 1550.)

5416. (a) There shall be not less than one water closet for each 20 employees or fractional part thereof working at a construction job site.

(b) The water closet shall consist of a patented chemical type privy, or a pit privy; provided, however, that a pit privy shall consist of a pit at least four feet deep with a well-constructed shelter, the openings of which shall be flyproofed, and with respect to which adequate sanitary and safe flooring shall be provided. With the approval of the local health officer other types of toilet facilities or modifications of those specified may be allowed.

(c) For the purpose of this section the term construction site shall mean the location on which actual construction of a building is in progress.

(d) A violation of this section shall constitute a misdemeanor.

(Repealed by Stats. 1949, Ch. 1550; added by Stats. 1951, Ch. 984; amended by Stats. 1953, Ch. 433.)

5417. (Repealed by Stats. 1949, Ch. 1550.)

5418. (Repealed by Stats. 1949, Ch. 1550.)

5419. (Repealed by Stats. 1949, Ch. 1550.)

5420. (Repealed by Stats. 1949, Ch. 1550.)

5421. (Repealed by Stats. 1949, Ch. 1550.)

5422. (Repealed by Stats. 1949, Ch. 1550.)

5423. (Repealed by Stats. 1949, Ch. 1550.)

5424. (Repealed by Stats. 1949, Ch. 1550.)

5425. (Repealed by Stats. 1949, Ch. 1550.)

5426. (Repealed by Stats. 1949, Ch. 1550.)

5427. (Repealed by Stats. 1949, Ch. 1550.)

5428. (Repealed by Stats. 1949, Ch. 1550.)

5429. (Repealed by Stats. 1949, Ch. 1550.)

5430. (Repealed by Stats. 1949, Ch. 1550.)

5431. (Repealed by Stats. 1949, Ch. 1550.)

5432. (Repealed by Stats. 1949, Ch. 1550.)

5433. (Repealed by Stats. 1949, Ch. 1550.)

5434. (Repealed by Stats. 1949, Ch. 1550.)

5435. (Repealed by Stats. 1949, Ch. 1550.)

5436. (Repealed by Stats. 1949, Ch. 1550.)

5437. (Repealed by Stats. 1949, Ch. 1550.)

5438. (Repealed by Stats. 1949, Ch. 1550.)

5439. (Repealed by Stats. 1949, Ch. 1550.)

5440. (Repealed by Stats. 1949, Ch. 1550.)

5441. (Repealed by Stats. 1949, Ch. 1550.)

5442. (Repealed by Stats. 1949, Ch. 1550.)

5443. (Repealed by Stats. 1949, Ch. 1550.)

5444. (Repealed by Stats. 1949, Ch. 1550.)

5445. (Repealed by Stats. 1949, Ch. 1550.)

Article 3. Procedure for Abatement

(Article 3 repealed and added by Stats. 1949, Ch. 1550)

5460. The state department or local health officer may issue a peremptory order requiring the abatement of a contamination, and shall immediately furnish to the proper regional board a report of information and data relating thereto.

Coincident with issuing such order, or if any order or regulation is not complied with, the director or local health officer may bring and prosecute an action for an injunction in the superior court of the county in which the contamination occurs.

(Amended in identical language by Stats. 1945, Ch. 979 and Ch. 1337; repealed and added by Stats. 1949, Ch. 1550; amended by Stats. 1959, Ch. 1299.)

5461. Any person who discharges sewage or industrial waste in any manner which results in contamination is guilty of a misdemeanor.

(Amended by Stats. 1945, Ch. 979; repealed by Stats. 1945, Ch. 1337; added by Stats. 1949, Ch. 1550.)

5462. Any action taken pursuant to this article with respect to the abatement of contamination created by the disposal of sewage or industrial waste from a community or cooperative sewerage system, shall be taken only against the agent or the agency operating such system and the contributor or contributors to the system whose waste in and of itself creates a contamination.

(Repealed and added by Stats. 1949, Ch. 1550.)

5463. Any health officer or governing board of any city, county, or sanitary district, having served written notice upon the owner or reputed owner of land upon which there is a dwelling house, and such owner or reputed owner, after 30 days, having refused, neglected, or failed to connect such dwelling house, together with all toilets, sinks, and other plumbing therein, properly vented, and in a sanitary manner, with the adjoining street sewer, may construct the same at a reasonable cost, and the person doing said work at the request of such health officer or governing board has a lien upon said real estate for his work done and materials furnished, and such work done and materials furnished shall be held to have been done and furnished at the instance of such owner or reputed owner, or person claiming or having any interest therein. Such governing board may pay all or any part of the cost or price of such connection to the person or persons who furnished labor, materials, or equipment for the same, and, to the extent such governing board pays the cost or price of said connection, it shall succeed to and have all the rights, including the lien provided for above, of such person or persons against the real estate and against the owner or reputed owner thereof.

As an alternative power to the enforcement of the lien provided for in this section, the governing body of the public agency performing the work of connection to the public sewer may, by order entered upon its minutes, declare that the amount of the costs of such work and the administrative expenses incurred by the governing body incident to the proceedings, together with other charges uniformly applicable within the jurisdiction of the governing body for the connection of the premises to the public sewer, shall be transmitted to the assessor and tax collector of the public agency, whereupon it shall be the duty of those officers to add the amount of the assessment to the next regular bill for taxes levied against the lot or parcel of land.

The liens provided for by this section shall be enforced in the same manner as those provided for by Chapter 2 of Title 4, Part 3 of the Code of Civil Procedure.

(Amended in identical language by Stats. 1945, Ch. 979 and Ch. 1337; repealed by Stats. 1949, Ch. 1550; added by Stats. 1951, Ch. 1159; amended by Stats. 1955, Ch. 1874.)

NOTE: Stats. 1951, Ch. 1159 also contained the following provision:

SEC. 5. It is the intent of the Legislature to accomplish by this act only a formal revision of the law relating to mechanics' liens. Nothing in this

act contained shall be construed as an alteration in the public policy or legislative intent regarding such law, nor in the meaning or substance thereof.

5464. (Amended by Stats. 1945, Ch. 979; repealed by Stats. 1945, Ch. 1337.)

Article 4. Sanitation and Sewerage Systems

(Article 4 added by Stats. 1945, Ch. 979)

5470. The following words wherever used in this article shall be construed as defined in this section, unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words:

(a) Assessment Roll. "Assessment roll" refers to the assessment roll upon which general taxes of the entity are collected.

(b) Auditor. "Auditor" means the financial officer of the entity.

(c) Clerk. "Clerk" means the official clerk or secretary of the entity.

(d) Chambers. "Chambers" refers to the place where the regular meetings of the legislative body of the entity are held.

(e) Entity. "Entity" means and includes counties, cities and counties, cities, sanitary districts, county sanitation districts, sewer maintenance districts, and other public corporations and districts authorized to acquire, construct, maintain and operate sanitary sewers and sewerage systems.

(f) Rates or Charges. "Rates or charges" shall mean fees, tolls, rates, rentals or other charges for services and facilities furnished by an entity in connection with its sanitation or sewerage systems.

(g) Real Estate. "Real estate" includes:

(1) The possession of, claim to, ownership of, or right to possession of land; and

(2) Improvements on land.

(h) Tax Collector. "Tax collector" means the officer who collects general taxes for the entity.

(Original 5470, now 5471. Present 5470, formerly 5471; added by Stats. 1947, Ch. 1367; amended and renumbered 5470 by Stats. 1953, Ch. 862.)

5471. Any entity shall have power, by an ordinance approved by a two-thirds vote of the members of the legislative body thereof, to prescribe, revise and collect, fees, tolls, rates, rentals, or other charges for services and facilities furnished by it, either within or without its territorial limits, in connection with its sanitation or sewerage systems; provided, that the entity may provide that such charge for such service shall be collected with the rates, tolls and charges for any other utility, and that any or all such charges may be billed upon the same bill; provided further, that where such charge is to be collected with the charges for any other utility service furnished by a department or agency of such entity and over which its legislative body does not exercise control, the consent of such

department or agency shall be obtained prior to collecting sanitation or sewerage charges with the charges for any other utility. Revenues derived under the provisions in this section, shall be used only for the acquisition, construction, reconstruction, maintenance and operation of water systems and sanitation or sewerage facilities, to repay principal and interest on bonds issued for the construction or reconstruction of such water systems and sanitary or sewerage facilities and to repay federal or state loans or advances made to such entity for the construction or reconstruction of water systems and sanitary or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers.

(Original 5471, now 5470. Present 5471, formerly 5470; added by Stats. 1945, Ch. 979; amended by Stats. 1949, Ch. 319, and by Stats. 1951, Ch. 719; amended and renumbered 5471 by Stats. 1953, Ch. 862.)

5472. Such rates may be collected with the rates for any other utility service furnished by a department or agency of such entity over which the legislative body thereof does not exercise control, or with a publicly or privately owned public utility, with the written consent and agreement of said department or agency or public utility owner, which agreement shall establish the terms and conditions upon which such collections shall be made. Such agreement, in the discretion of such department or agency or public utility owner making the collections, also may provide that said rates shall be itemized, billed upon the same bill, and collected as one item, together with and not separately from such other utility service charge.

(Added by Stats. 1949, Ch. 865 and Ch. 1507; amended by Stats. 1953, Ch. 862.)

5473. Any entity which has adopted an ordinance pursuant to this article or an order pursuant to Section 6520.5 may, by such ordinance or by separate ordinances approved by a two-thirds vote of the members of the legislative body thereof, elect to have such charges for the forthcoming fiscal year collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, its general taxes. In such event, it shall cause a written report to be prepared and filed with the clerk, which shall contain a description of each parcel of real property receiving such services and facilities and the amount of the charge for each parcel for said year, computed in conformity with the charges prescribed by said ordinance.

The powers authorized by this section shall be alternative to all other powers of any entity, and alternative to other procedures adopted by the legislative body thereof for the collection of such charges.

The real property may be described by reference to maps prepared in accordance with Section 327, Revenue and Taxa-

tion Code, and on file in the office of the county assessor or by reference to plats or maps on file in the office of the clerk.

(Added by Stats. 1951, Ch. 294; amended by Stats. 1953, Ch. 862, and by Stats. 1957, Ch. 381.)

5473a. Any entity may make the election specified in Section 5473 with respect only to delinquent charges and may do so by preparing and filing the written report, giving notice and holding the hearing therein required only as to such delinquencies.

(Added by Stats. 1953, Ch. 1259.)

5473.1. The clerk shall cause notice of the filing of said report and of a time and place of hearing thereon to be published pursuant to Section 6066 of the Government Code prior to the date set for hearing, in a newspaper of general circulation printed and published within the entity if there is one and if not then in such paper printed and published in the county within which the greater part of such district is located.

Before any entity may have such charges collected on the tax roll for the first time following the effective date of this section, the clerk shall cause a notice in writing of the filing of said report proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and place of hearing thereon, to be mailed to each person to whom any parcel or parcels of real property described in said report is assessed in the last equalized assessment roll available on the date said report is prepared, at the address shown on said assessment roll or as known to said clerk. If the legislative body adopts the report, then the requirements for notice in writing to the persons to whom parcels of real property are assessed shall not apply to hearings on reports prepared in subsequent fiscal years but notice by publication as herein provided shall be adequate.

(Added by Stats. 1951, Ch. 294; amended by Stats. 1953, Ch. 862, and by Stats. 1957, Ch. 357.)

5473.2. At the time stated in the notice, the legislative body shall hear and consider all objections or protests, if any, to said report referred to in said notice and may continue the hearing from time to time. If the legislative body finds that protest is made by the owners of a majority of separate parcels of property described in the report, then the report shall not be adopted and the charges shall be collected separately from the tax roll and shall not constitute a lien against any parcel or parcels of land.

(Added by Stats. 1951, Ch. 294; amended by Stats. 1953, Ch. 862.)

5473.3. Upon the conclusion of the hearing, the legislative body may adopt, revise, change, reduce or modify any charge or overrule any or all objections and shall make its determination upon each charge as described in said report which determination shall be final.

(Added by Stats. 1951, Ch. 294; amended by Stats. 1953, Ch. 862.)

5473.4. On or before the tenth day of August of each year following such final determination, the clerk shall file with the auditor a copy of said report with a statement endorsed thereon over his signature that it has been finally adopted by the legislative body of the entity and the auditor shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll. Where any such parcels are outside the boundaries of the entity they shall be added to the assessment roll of such entity for the purpose of collecting such charges. If the property is not described on the roll, the auditor may enter the description thereon together with the amounts of the charges, as shown in the report.

(Added by Stats. 1951, Ch. 294; amended by Stats. 1953, Ch. 862.)

5473.4a. (Added by Stats. 1951, Ch. 294; amended and renumbered 5473.5 by Stats. 1953, Ch. 862.)

5473.5. The amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of noon on the first Monday in March immediately preceding the date of levy.

(Original 5473.5, now 5473.6. Present 5473.5, formerly 5473.4a; added by Stats. 1951, Ch. 294; amended and renumbered 5473.5 by Stats. 1953, Ch. 862.)

5473.6. The tax collector shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land.

(Original 5473.6, now 5473.7. Present 5473.6, formerly 5473.5; added by Stats. 1951, Ch. 294; amended and renumbered 5473.6 by Stats. 1953, Ch. 862.)

5473.7. Thereafter the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the entity, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties.

(Original 5473.7, now 5473.8. Present 5473.7, formerly 5473.6; added by Stats. 1951, Ch. 294; amended and renumbered 5473.7 by Stats. 1953, Ch. 862.)

5473.8. All laws applicable to the levy, collection and enforcement of general taxes of the entity, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to such charges.

(Original 5473.8, now 5473.9. Present 5473.8, formerly 5473.7; added by Stats. 1951, Ch. 294; amended and renumbered 5473.8 by Stats. 1953, Ch. 862.)

5473.9. The tax collector may, in his discretion, issue separate bills for such charges and separate receipts for collection on account of such charges. The county shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges for an entity other than the county in an amount to be fixed by agreement between the board of supervisors and the legislative body of the entity.

The compensation shall not exceed 1 percent of all money collected. The compensation shall be paid into the county salary fund.

(Original 5473.9 added by Stats. 1951, Ch. 294; repealed by Stats. 1953, Ch. 862. Present 5473.9, formerly 5473.8; added by Stats. 1951, Ch. 294; amended and renumbered 5473.9 by Stats. 1951, Ch. 862.)

5473.10. The entity may provide for a basic penalty of not more than 10 percent for nonpayment of the charges within the time and in the manner prescribed by it, and in addition may provide for a penalty of not exceeding one-half of 1 percent per month for nonpayment of the charges and basic penalty. It may provide for collection of the penalties herein provided for.

(Added by Stats. 1951, Ch. 294; repealed by Stats. 1953, Ch. 862. Added by Stats. 1963, Ch. 170.)

5473.11. Notwithstanding any other provision of this article, charges for services and facilities furnished by the entity shall constitute a lien against the lot or parcel of land against which the charge was imposed if said charges remain delinquent for a period of 60 days, and the entity shall include a statement on its bill to each property owner which shall notify the property owner of the lien provided by this section.

The lien provided herein shall have no force or effect until recorded with the county recorder and when so recorded shall have the force, effect and priority of a judgment lien and continue for three years from the time of recording unless sooner released or otherwise discharged.

(Added by Stats. 1951, Ch. 294; repealed by Stats. 1953, Ch. 862. Added by Stats. 1963, Ch. 170.)

5474. An entity shall have the power by ordinance approved by two-thirds vote of the members of the legislative body thereof to fix fees or charges for the privilege of connecting to its sanitation or sewerage facilities, to fix the time or times at which such fees or charges shall become due, to provide for the payment of said fees or charges prior to connection or in installments over a period of not to exceed 15 years, to provide the rate of interest, not to exceed 6 percent per annum, to be charged on the unpaid balance of such fees or charges, and to provide that the amount of such fees or charges and the interest thereon shall constitute a lien against the respective lots or parcels of land to which said facilities are connected. Prior to making such fees or charges a lien against the land, the legislative body shall give notice to the owners of the lots or parcels of land affected, which notice shall set forth the following:

1. The schedule of fees or charges to be imposed by the entity.
2. A description of the property subject to such fees or charges, which description may be by reference to a plat or diagram on file in the office of the clerk of the legislative body,

or to maps prepared in accordance with Section 327, Revenue and Taxation Code, and on file in the office of the county assessor.

3. The time or times at which such fees or charges shall become due.

4. The number of installments in which such fees or charges shall be payable.

5. The rate of interest, not to exceed 6 percent per annum, to be charged on the unpaid balance of such fees or charges.

6. That it is proposed that the fees or charges and interest thereon shall constitute a lien against the lots or parcels of land to which the facilities are furnished.

7. The time and place at which the legislative body will hold a hearing at which persons may appear and present any and all objections they may have to the imposition of the fees or charges as a lien against the land.

(Added by Stats. 1953, Ch. 578; amended by Stats. 1957, Ch. 381, and by Stats. 1961, Ch. 754.)

5474.1. The notice shall be published pursuant to Section 6063 of the Government Code prior to the date set for hearing. At least 10 days prior to the date of hearing written notice thereof shall be mailed to all persons owning land subject to such fees or charges, whose names and addresses appear on the last equalized assessment roll.

(Added by Stats. 1953, Ch. 578; amended by Stats. 1957, Ch. 357, and by Stats. 1961, Ch. 754.)

5474.2. At the time stated in the notice the legislative body shall hear and consider all objections or protests, if any, to the imposition of the fees or charges as set forth in said notice and may continue the hearing from time to time.

(Added by Stats. 1953, Ch. 578.)

5474.3. Upon the conclusion of the hearing, the legislative body may adopt, revise, change, reduce or modify the fees or charges or may overrule any or all objections and make its determination, which determination shall be final.

(Added by Stats. 1953, Ch. 578.)

5474.4. On or before the tenth day of August of each year following such final determination, the legislative body shall certify to the auditor a list of the lots or parcels of land, as they appear on the current assessment roll, subject to such fees or charges and the amounts of the installments of such fees or charges and interest to be entered against such lots or parcels on the assessment roll. In the event a lot or parcel connected to the facilities is subsequently divided into two or more lots or parcels as shown on the current assessment roll, the legislative body shall designate the lot or parcel that remains connected to the facilities and against which the installments of the fees or charges and interest are to be entered.

(Added by Stats. 1953, Ch. 578.)

5474.5. The auditor shall enter on the current assessment roll the amounts of the installments of such fees or charges and interest and the amounts thereof shall constitute a lien

against the lot or parcel of land against which levied as of noon on the first Monday in March immediately preceding the date of entry.

(Added by Stats. 1953, Ch. 578.)

5474.6. The tax collector shall include the amounts of the installments of fees or charges and the interest on bills for taxes levied against the respective lots and parcels of land. Thereafter, all laws applicable to the levy, collection and enforcement of taxes of the entity, including penalties and interest thereon and cancellation or refund thereof, shall be applicable to such installments of fees or charges and interest.

(Added by Stats. 1953, Ch. 578; amended by Stats. 1961, Ch. 754.)

5474.7. The tax collector may, in his discretion, issue separate bills for such installments of fees or charges and interest. The county shall be compensated for services, if any, rendered in connection with the levy, collection and enforcement of such installments of fees or charges and interest in an amount to be fixed by agreement between the board of supervisors and the legislative body of the entity. The compensation shall not exceed 1 percent of all money collected for the entity.

(Added by Stats. 1953, Ch. 578; amended by Stats. 1961, Ch. 754.)

5474.8. Fees or charges imposed by an entity by ordinance adopted pursuant to Section 5474 may differ in amount or method of computation from fees or charges imposed by any other ordinance of such entity adopted pursuant to said Section 5474.

(Added by Stats. 1953, Ch. 578; amended by Stats. 1961, Ch. 754.)

5474.9. Revenues derived from fees or charges imposed pursuant to Section 5474 shall be used only for the acquisition, construction, reconstruction, maintenance and operation of sanitation or sewerage facilities, to pay municipalities for sewer service collection charges, to repay principal and interest on bonds issued for construction or reconstruction of such sanitation or sewerage facilities and to repay federal or state loans or advances made to entities for the construction or reconstruction of sanitation or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers.

(Added by Stats. 1953, Ch. 578; amended by Stats. 1961, Ch. 754.)

5474.10. The authority for the imposition of fees or charges by entities pursuant to Section 5474 shall be in addition to the authority granted to such entities by any other law authorizing such entities to establish fees, tolls, rates, rentals or other charges.

(Added by Stats. 1953, Ch. 578; amended by Stats. 1961, Ch. 754.)

CHAPTER 7. EFFECT ON PREVIOUS LAWS

5475. No right or obligation accrued by the formation or operation of a municipal sewer district pursuant to the provisions of Chapter 673, Statutes of 1909, is affected by the repeal of that act, and any district organized may continue in existence and subject to that act.

CHAPTER 8. "COUNTY SEWERAGE AND WATER DISTRICTS"

(Chapter 8 added by Stats. 1949, Ch. 1491;
repealed by Stats. 1959, Ch. 1309)

NOTE: Stats. 1959, Ch. 1309, which repealed Chapter 8, also contained the following provisions:

Notwithstanding the repeal effectuated by this act, the organization, existence, and powers of any district heretofore created by or organized pursuant to the provisions of the chapters or acts which are repealed shall remain unaffected by such repeal, and any such district shall continue to exist and may exercise any of the powers conferred upon it by the statute under which it was formed. No district shall be created or organized pursuant to said chapters or acts after the effective date of this act.

Article 1

(Article 1 added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8)

5500. (Added by Stats. 1949, Ch. 1491.)

5501. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5502. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5503. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5504. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

Article 2

(Article 2 added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8)

5510. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5511. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5512. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5513. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5514. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5515. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5516. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5517. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5518. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

Article 3

(Article 3 added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8)

5530. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5531. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5534. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5534.5. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5535. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5536. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

Article 4

(Article 4 added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8)

5539. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5540. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5541. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5542. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5543. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5544. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5545. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5546. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5546.5. (Added by Stats. 1949, Ch. 1491; amended by Stats. 1951, Ch. 429; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5546.6. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5546.7. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5547. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5548. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5549. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5550. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5551. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5552. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5553. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5554. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5555. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5556. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5557. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5557.1. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5558. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5558.1. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5559. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5560. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5561. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5562. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5563. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5564. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5565. (Added by Stats. 1951, Ch. 1648; repealed by Stats. 1953, Ch. 263.)

Article 4.5

(Article 4.5 added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8)

5570. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5571. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5572. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5573. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5574. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5575. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

Article 5

(Article 5 added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8)

5580. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5581. (Added by Stats. 1949, Ch. 1491; amended by Stats. 1951, Ch. 1648; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5581.1. (Added by Stats. 1957, Ch. 1378; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5582. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5583. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5584. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5585. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5586. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5587. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5588. (Added by Stats. 1949, Ch. 1491; amended by Stats. 1951, Ch. 1648; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5589. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5590. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5591. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5617. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

(Added by Stats. 1949, Ch. 1491; repealed and added by Stats. 1959, Ch. 1727; amended by Stats. 1963, Ch. 1715. See note following Section 954.)

5618. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

Article 7

(Article 7 added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8)

5630. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5631. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5632. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

Article 8

(Article 8 added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8)

5640. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5641. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5642. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

Article 8a

(Article 8a added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8)

5645.05. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5645.06. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5645.07. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5645.08. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5645.09. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5645.1. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5645.11. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5645.12. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5645.13. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

Article 8b

(Article 8b added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8)

5645.20. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5645.21. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5645.22. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5645.23. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5645.24. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5645.25. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5645.28. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5645.31. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5645.32. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5645.33. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5645.34. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

Article 9

(Article 9 added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8)

5650. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5651. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5652. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5653. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5654. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5655. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

5656. (Added by Stats. 1949, Ch. 1491; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 8.)

CHAPTER 9. "JOINT MUNICIPAL SEWAGE DISPOSAL DISTRICT ACT"

(Chapter 9 added by Stats. 1951, Ch. 439, as part of codification; repealed by Stats. 1959, Ch. 1309)

NOTE: Stats. 1959, Ch. 1309, which repealed Chapter 9, also contained the following provision:

Notwithstanding the repeal effectuated by this act, the organization, existence, and powers of any district heretofore created by or organized pursuant to the provisions of the chapters or acts which are repealed shall remain unaffected by such repeal, and any such district shall continue to exist and may exercise any of the powers conferred upon it by the statute under which it was formed. No district shall be created or organized pursuant to said chapters or acts after the effective date of this act.

Article 1

(Article 1 added by Stats. 1951, Ch. 439, as part of codification; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9)

5700. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5700.01. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5700.02. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5700.03. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

- 5700.04. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5700.05. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5700.06. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5700.07. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5700.08. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5700.09. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5700.10. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5700.11. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5700.12. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5700.13. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5700.14. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5700.15. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5700.16. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5700.17. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5700.18. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5700.19. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5700.20. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5700.21. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5700.22. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

Article 2

(Article 2 added by Stats. 1951, Ch. 439, as part of codification; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9)

5710. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5710.01. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5710.02. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

- 5710.03. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5710.04. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5710.05. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5710.06. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5710.07. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5710.08. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5710.09. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5710.10. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5710.11. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

Article 3

(Article 3 added by Stats. 1951, Ch. 439, as part of codification; repealed by Stats. 1959, Ch. 1309)

5720. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5720.01. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5720.02. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5720.03. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5720.04. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5720.05. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5720.06. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5720.07. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5720.08. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5720.09. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5720.10. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5720.11. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5720.12. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5720.13. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5720.14. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5720.15. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

Article 4

(Article 4 added by Stats. 1951, Ch. 439, as part of codification; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9)

5730. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5730.01. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5730.02. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5730.03. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5730.04. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5730.05. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5730.06. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5730.07. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5730.08. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5730.09. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5730.10. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5730.11. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5730.12. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5730.13. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5730.14. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5730.15. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5730.16. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5730.17. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5730.18. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

- 5730.19. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5730.20. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5730.21. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5730.22. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5730.23. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5730.24. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5730.25. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5730.26. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5730.27. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5730.28. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5730.29. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5730.30. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5730.31. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5730.32. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5730.33. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5730.34. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5730.35. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5730.36. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5730.37. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

Article 5

(Article 5 added by Stats. 1951, Ch. 439, as part of codification; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9)

5740. (Repealed by Stats. 1959, Ch. 1309.)
- 5740.01. (Repealed by Stats. 1959, Ch. 1309.)
- 5740.02. (Repealed by Stats. 1959, Ch. 1309.)

- 5740.03. (Repealed by Stats. 1959, Ch. 1309.)
5740.04. (Repealed by Stats. 1959, Ch. 1309.)
5740.05. (Repealed by Stats. 1959, Ch. 1309.)
5740.06. (Repealed by Stats. 1959, Ch. 1309.)
5740.07. (Repealed by Stats. 1959, Ch. 1309.)
5740.08. (Repealed by Stats. 1959, Ch. 1309.)
5740.09. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5740.10. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5740.11. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5740.12. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5740.13. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5740.14. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5740.15. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5740.16. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5740.17. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5740.18. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5740.19. (Amended by Stats. 1959, Ch. 230; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5740.20. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5740.21. (Added by Stats. 1957, Ch. 1378; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

Article 5.5

(Article 5.5 added by Stats. 1959, Ch. 1727; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9)

5745. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727; amended by Stats. 1963, Ch. 1715. See note following Section 954.)

Article 6

(Article 6 added by Stats. 1951, Ch. 439, as part of codification; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9)

5750. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5750.01. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5750.02. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5750.03. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5750.04. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5750.05. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5750.06. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5750.07. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5750.08. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5750.09. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5750.10. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5750.11. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5750.12. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

Article 7

(Article 7 added by Stats. 1951, Ch. 439, as part of codification; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9)

5760. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5760.01. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5760.02. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5760.03. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5760.04. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

Article 8

(Article 8 added by Stats. 1951, Ch. 439, as part of codification; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9)

5770. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5770.01. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5770.02. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5770.03. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5770.04. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5770.05. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5770.06. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5770.07. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5770.08. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5770.09. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5770.10. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5770.11. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5770.12. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5770.13. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5770.14. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5770.15. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5770.16. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5770.17. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5770.18. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5770.19. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5770.20. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5770.21. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5770.22. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

- 5770.23. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5770.24. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5770.25. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5770.26. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5770.27. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5770.28. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5770.29. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5770.30. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5770.31. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5770.32. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5770.33. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5770.34. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5770.35. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5770.36. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5770.37. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5770.38. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5770.39. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5770.40. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5770.41. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5770.42. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5770.43. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5770.44. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

Article 9

(Article 9 added by Stats. 1951, Ch. 439, as part of codification; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9)

5780. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

- 5780.01. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5780.02. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5780.03. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5780.04. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5780.05. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5780.06. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5780.07. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5780.08. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5780.09. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5780.10. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5780.11. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5780.12. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

Article 10

(Article 10 added by Stats. 1951, Ch. 439, as part of codification; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9)

5790. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5790.01. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5790.02. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5790.03. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5790.04. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5790.05. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5790.06. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5790.07. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5790.08. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
5790.09. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

- 5790.10. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.11. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.12. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.13. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.14. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.15. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.16. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.17. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.18. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.19. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.20. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.21. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.22. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.23. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.24. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.25. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.26. (Amended by Stats. 1959, Ch. 230; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.27. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.28. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.29. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.30. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.31. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.32. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5790.33. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

Article 11

(Article 11 added by Stats. 1951, Ch. 439, as part of codification; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9)

5800. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5800.01. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5800.02. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5800.03. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5800.04. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5800.05. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5800.06. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5800.07. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5800.08. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5800.09. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5800.10. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5800.11. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5800.12. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5800.13. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5800.14. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5800.15. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5800.16. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5800.17. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5800.18. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5800.19. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

Article 12

(Article 12 added by Stats. 1951, Ch. 439, as part of codification; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9)

5810. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

- 5810.01. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5810.02. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5810.03. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5810.04. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5810.05. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5810.06. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5810.07. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5810.08. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5810.09. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5810.10. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5810.11. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5810.12. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

Article 13

(Article 13 added by Stats. 1951, Ch. 439, as part of codification; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9)

5820. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5820.01. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5820.02. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5820.03. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5820.04. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5820.05. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5820.06. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5820.07. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5820.08. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5820.09. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

- 5820.10. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5820.11. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5820.12. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5820.13. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5820.14. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5820.15. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5820.16. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5820.17. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5820.18. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

Article 14

(Article 14 added by Stats. 1951, Ch. 439, as part of codification; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9)

5830. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5830.01. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5830.02. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5830.03. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5830.04. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5830.05. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)
- 5830.06. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5830.07. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

5830.08. (Repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 9.)

CHAPTER 10. "REGIONAL SEWAGE DISPOSAL DISTRICTS"

(Chapter 10 added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309)

NOTE: Stats. 1959, Ch. 1309, which repealed Chapter 10, provided as follows:

Notwithstanding the repeal effectuated by this act, the organization, existence, and powers of any district heretofore created by or organized pursuant to the provisions of the chapters or acts which are repealed shall remain unaffected by such repeal, and any such district shall continue to exist and may exercise any of the powers conferred upon it by the statute under which it was formed. No district shall be created or organized pursuant to said chapters or acts after the effective date of this act.

Article 1

(Article 1 added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10)

5900. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)

5901. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)

5902. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)

5903. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)

5904. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)

5905. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)

5906. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)

Article 2

(Article 2 added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10)

5920. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)

6063. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)
6064. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)
6065. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)
6066. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)
6067. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)
6068. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)
6069. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)
6070. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)
6071. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)

Article 8

(Article 8 added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10)

6090. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)
6091. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)
6092. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)
6093. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)
6094. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)
6095. (Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)
6096. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

(Added by Stats. 1955, Ch. 1922; repealed and added by Stats. 1959, Ch. 1727; amended by Stats. 1963, Ch. 1715. See note following Section 954.)

Article 9

(Article 9 added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10)

6110. A regional district shall have authority to issue revenue bonds to obtain funds with which to carry out any and all of the objects and purposes of the regional district, said revenue bonds to be issued pursuant to and in accordance with the provisions of the Sanitation, Sewer and Water Revenue Bond Law of 1941 contained in Chapter 6 of Part 1, Division 2, Title 5 of the Government Code.

(Added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309. See note at beginning of former Chapter 10.)

DIVISION 6. SANITARY DISTRICTS

Part 1. (Original, Sanitary District Act of 1891, Sections 5500 to 5867, inclusive, repealed by Stats. 1939, Ch. 1124.)

Part 2. (Original, Sanitary District Act of 1919, Sections 5901 to 6347, inclusive, repealed by Stats. 1939, Ch. 1124. See new Part 2 below.)

PART 1. SANITARY DISTRICT ACT OF 1923

(Originally Part 3. Heading amended by Stats. 1939, Ch. 1124.)

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

6400. "District," as used in this part, means a district formed pursuant to this part or pursuant to any law which it supersedes.

6401. "Board" or "district board," as used in this part, means the governing board of a district.

6402. "Secretary," as used in this part, means the secretary of a district.

6403. "Assessor," as used in this part, means the assessor of a district.

6404. "Tax collector," as used in this part, means the tax collector of the county or counties in which a district is located.

(Amended by Stats. 1961, Ch. 1629.)

6405. "Treasurer," as used in this part, means the treasurer of the county or counties in which a district is located.

(Amended by Stats. 1961, Ch. 1629.)

6406. "Garbage," as used in this part, shall include all of the following: (a) animal, fruit and vegetable refuse; (b) offal; (c) leaves and cuttings, trimmings from trees, shrubs and grass; (d) inorganic refuse and rubbish; (e) anything thrown away as worthless.

(Added by Stats. 1939, Ch. 304. See below.)

6406. (Added by Stats. 1939, Ch. 1124; repealed by Stats. 1941, Ch. 990. See above.)

6407. "District project," as used in this part, means any construction, reconstruction, alteration, enlargement, renewal, or replacement of sewer facilities which the district is authorized to do, including, but not limited to, the furnishing of supplies or materials for any such work.

(Added by Stats. 1947, Ch. 1521; amended by Stats. 1951, Ch. 992; repealed by Stats. 1957, Ch. 1491; added by Stats. 1961, Ch. 1445; amended by Stats. 1963, Ch. 1008.)

6408. "Board of supervisors," as used in this part, means the board of supervisors of the county in which the greatest portion of the area of the district, is situated at the time of the filing of the petition for formation, unless another meaning is specified.

(Added by Stats. 1961, Ch. 1629.)

CHAPTER 2. FORMATION

Article 1. Petition

6420. Whenever 25 persons in any county, or in two or more counties within the same natural watershed area, desire the formation of a sanitary district within the area, they may sign and present a petition to the board of supervisors of the county in which the greatest portion of the area of the proposed district is situated at the time of the filing of the petition. If the district is to be located in more than one county, the petition shall be signed by no fewer than 15 persons in the county in which the greatest portion of the district is located and by no fewer than 10 persons in each other county in which the district is located.

(Amended by Stats. 1961, Ch. 1629.)

6421. The petition shall contain:

- (a) The name of the proposed district.
- (b) The boundaries of the proposed district.
- (c) A request that the territory within the boundaries be formed into a district as provided by this part.

6422. Each petitioner shall be a resident and freeholder in the proposed district.

6423. The petition shall be verified by the affidavit of one of the petitioners.

6424. The petition shall be published for at least two weeks preceding the hearing in a newspaper of general circulation published in each county in which the district is located.

(Amended by Stats. 1961, Ch. 1629.)

6425. With the petition there shall be published a notice stating the time when the petition will be presented to the board of supervisors, and that all persons interested may appear and be heard.

Article 2. Hearing

6440. At the time designated the board of supervisors shall hear the petition, and may adjourn the hearing from time to time.

6441. The board of supervisors shall not modify the boundaries of the proposed district as set forth in the petition so as to exclude from the proposed district any land which would be benefited by the formation of the district, nor shall there be included in the proposed district any lands which will not in the judgment of the board be benefited.

6442. If the board of supervisors concludes that any land has been improperly omitted from the proposed district and the owner has not appeared at the hearing, it shall continue the further hearing of the petition, and shall order notice given to the nonappearing owner, requiring him to appear before it and show cause, if any he has, why his land should not be included in the proposed district.

6443. The notice shall be given either by publication in the same manner as the original petition and for the same period, or by personal service on each nonappearing owner.

6444. If the notice is given by personal service, it shall be given at least three days prior to the date fixed for the further hearing.

6445. The board of supervisors may grant further continuances, by order entered in its minutes, to the end that a full hearing may be had.

6446. Upon the final hearing of the petition, the board of supervisors, if it approves the petition as originally presented or in a modified form, shall make an order containing:

(a) A description of the exterior boundaries of the proposed district, as determined by the board of supervisors.

(b) The date on which an election will be held in the proposed district.

6447. The order shall:

(a) Fix the day of the election, which shall be within 60 days from the date of the order.

(b) State that at the election there shall be elected a district assessor, and five members of the board.

6448. The order shall be entered in the minutes of the board of supervisors, and is conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was, at the time of the signature and presentation of the petition, a resident and freeholder in the proposed district.

Article 3. Election on Formation and for Officers

6460. Except as otherwise specifically provided in this article, the provisions of the chapter of this part on elections govern the election on the question of organizing a district and the election of the first district officers, and the board of supervisors of the county and the county clerk shall perform the duties conferred by that chapter on the district board and its secretary, respectively.

6461. A copy of the order shall be posted for four successive weeks prior to the election in three public places in the

proposed district at least one of which shall be in each county in which the district is located, and shall be published once a week for four successive weeks prior to the election in a newspaper of general circulation published in each county in which the district is located.

(Amended by Stats. 1961, Ch. 1629.)

6462. At least 15 days prior to the election, the board of supervisors shall select one, and may select two or more, polling places in the proposed district, and shall make suitable arrangements for the election.

(Amended by Stats. 1945, Ch. 1337.)

6463. The ballots shall contain the words, "Sanitary district: Yes," and "Sanitary district: No," or equivalent words, and the names of the persons to be voted for at the election.

6464. At the election there shall be elected an assessor and the members of the board who shall be resident electors of the district.

(Amended by Stats. 1959, Ch. 155.)

6465. If a majority of the votes cast in each county are in favor of formation of the district, the board of supervisors shall make and cause to be entered in its minutes an order that a district of the name and with the boundaries stated in the order calling the election, setting forth the boundaries, has been established.

The board shall immediately file for record in the office of the county recorder of each county within which the district is located a certified copy of the order declaring the district established.

The order is conclusive evidence of the fact and regularity of all prior proceedings required by this part or by law, and of the existence and validity of the district.

(Amended by Stats. 1961, Ch. 1629.)

6466. If a majority of the votes cast are against formation of the district, the board of supervisors shall by order entered in its minutes so declare, and no other proceeding shall be taken in relation thereto until the expiration of one year from the date of the presentation of the petition to the board of supervisors.

CHAPTER 3. OFFICERS

6480. The officers of the district are an assessor and five members of the board.

6481. The board is the governing power of the district, and exercises all district powers, except the making of an assessment roll in the first instance.

6482. Except as to those members of the board who are elected at the election on formation, the term of office of each member of the board is four years and each holds office until the election and qualification of his successors or his resignation or termination of residence within the district.

(Amended by Stats. 1959, Ch. 156.)

6483. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by a majority of the remaining members of the board.

6484. The members of the board elected at the election as a result of which the district was organized or, if the district is reorganized under this part, then the five members in office at the time of the reorganization, shall at their first meeting, or as soon thereafter as may be practicable, so classify themselves, by lot, that they shall go out of office as follows:

(a) Two shall serve until the election held in the first even-numbered year after the year in which the district is formed or reorganized, and until the election and qualification of their successors.

(b) Three shall serve until the second even-numbered year after the district is formed or reorganized, and until the election and qualification of their successors.

(Amended by Stats. 1949, Ch. 977.)

6485. Elections for members of the board shall be held as follows:

(a) For two members every fourth year beginning with the first even-numbered year after the year in which the district is formed or reorganized.

(b) For three members every fourth year beginning with the second even-numbered year after the year in which the district is formed.

(Amended by Stats. 1949, Ch. 977.)

6486. At its first meeting, or as soon thereafter as may be practicable, the board shall choose one of its members as president, and shall appoint a secretary who may be a member of the board.

(Amended by Stats. 1945, Ch. 1337.)

6487. All contracts, deeds, warrants, releases, receipts, and documents shall be signed in the name of the district by its president, and countersigned by its secretary.

6488. The board shall hold such meetings, either in the day or in the evening, as may be convenient.

In case of the absence or inability of the president or secretary to act, the board shall choose a president pro tem., or secretary pro tem., or both as the case may be.

6489. Each of the members of the board may receive not to exceed twenty-five dollars (\$25) for each day of his actual attendance of the meetings of the board, such compensation to be established by order of the board and entered upon its minutes. No member of the sanitary board shall, however, receive not to exceed seventy-five dollars (\$75) in any calendar month. The secretary of the sanitary board shall receive compensation to be set by the sanitary district board, which compensation shall be in lieu of any other compensation to which he may be entitled by reason of attendance at the meeting or meetings of the sanitary board.

Each member of the sanitary board shall be allowed eleven cents (\$0.11) per mile, without any constructive mileage, for

his expenses of traveling necessarily done by automobile, and his actual traveling expenses when he travels by rail.

(Amended by Stats. 1939, Ch. 239, by Stats. 1947, Ch. 205, and by Stats. 1957, Ch. 126 and Ch. 1491.)

6489.5. Every member of the board, whether elected or appointed, may be recalled by the voters in accordance with the recall provisions of Chapter 2 of Division 13 of the Elections Code applicable to officers of counties.

(Added by Stats. 1951, Ch. 398.)

6490. A general regulation of the board shall be entered in its minutes, and shall be published once in a newspaper published in the district, if there is one, and if not, then it shall be posted for one week in three public places in the district.

A subsequent order of the board that publication or posting has been made is conclusive evidence that the publication or posting has been properly made.

A general regulation takes effect upon expiration of the week of publication or posting.

6491. Unless otherwise provided by this part, orders not establishing a general regulation need not be published or posted, but shall be entered in the minutes and shall take effect upon adoption.

(Amended by Stats. 1953, Ch. 765.)

6491.1. The district board may, by general regulation, adopt codes or specifications controlling the manner of construction, repair, maintenance and operation of facilities referred to in Sections 6512 and 6522. Such codes or specifications need not be set out in full in such general regulation but may be incorporated therein by reference. Copies of such codes or specifications shall be available for examination in the office of the secretary at all times.

(Added by Stats. 1957, Ch. 1491.)

6491.2. The district board may, by general regulation, adopt a code by reference in the same manner as legislative bodies of local agencies are authorized to adopt primary and secondary codes by reference pursuant to Section 50022.1 to 50022.8, inclusive, of the Government Code, and for the purposes of such sections of the Government Code the district board shall be deemed a legislative body and the district shall be deemed a local agency.

Any code adopted by the district board, by reference, shall impose restrictions equal to or greater than those imposed by the State Housing Law, Part 1.5 (commencing with Section 17910), Division 13 of this code, and the rules and regulations promulgated pursuant thereto by the Department of Industrial Relations.

No penalty clauses or sanctions contained in any code adopted by reference pursuant to this section shall be effective.

Every person who violates any provision of a general regulation adopted pursuant to this section or of a code adopted by reference in such general regulation is guilty of a misdemeanor.

(Added by Stats. 1963, Ch. 1006.)

6492. The board may instruct the district attorney of the county to commence and prosecute any or all actions and proceedings necessary or proper to enforce any of its regulations or orders, and may call upon him for advice as to any sanitary subject; and the district attorney shall obey the instructions and give advice when requested by the board.

6493. The board may at any time employ special counsel for any purpose.

6494. There shall be an election for assessor in each even-numbered year in which members of the board are elected, and at the same time, place, and manner; provided, however, that if a district board has elected to avail itself of the county assessment roll for district taxation pursuant to Article 6 of Chapter 7 of this part, no assessor shall thereafter be elected until it shall again elect the use of its own tax roll.

The assessor holds office for two years, and until the election and qualification of his successor except that the first assessor elected holds office until the election and qualification of his successor.

If a vacancy occurs in the office of assessor, the board shall appoint a suitable person to fill the vacancy until the next election at which an assessor may be elected under this part.

(Amended by Stats. 1951, Ch. 584.)

6495. The assessor's duties are fixed by this part and he shall perform such other duties as are ordered or required by the board.

6496. The assessor shall receive such compensation as shall be fixed by the board.

6497. (1) The sanitary board of sanitary districts may classify all the places of employment in or under the district, and in or under all the offices and departments of the district, with reference to the examinations hereinafter provided for. The places so classified by the sanitary board may constitute the classified civil service of the district, and no appointment to any such place shall be made except according to the rules hereinafter mentioned.

(2) The sanitary board may make rules to carry out the purposes of this section, and for examinations, appointments, promotions, and removals, and may from time to time make changes in existing rules. All rules and all changes therein shall be forthwith printed for distribution by the sanitary board.

(3) The examinations shall be practical in their character, and shall relate to those matters only which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include, when appropriate, tests of manual or professional skill. The selection of laborers shall be governed by priority of application as far as may be practicable. No questions in any

examination shall relate to political or religious opinions or affiliations. The sanitary board shall control all examinations.

(Added by Stats. 1949, Ch. 977; amended by Stats. 1957, Ch. 1491.)

6499. Any county officer required to act as an officer of the district and perform services for the district by virtue of his office, shall be entitled to reimbursement from the district for the reasonable and actual expenses incurred by him while acting on behalf of the district, to be paid into the county treasury. The amount of such reimbursement shall not exceed the actual expense incurred by the county officer.

(Added by Stats. 1951, Ch. 466; amended by Stats. 1955, Ch. 1874, and by Stats. 1957, Ch. 1491.)

CHAPTER 4. DISTRICT POWERS

Article 1. Generally

6510. A district may use a seal, alterable at the pleasure of the board.

6511. It may sue and be sued by its name.

6512. It may acquire, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain, and operate such garbage dump sites and garbage collection and disposal systems, sewers, drains, septic tanks, and sewerage collection, outfall, treatment works and other sanitary disposal systems, and storm water drains and storm water collection, outfall and disposal systems, as in the judgment of the board shall be necessary and proper, and in the performance of these functions, either in or out of the district, it may join with any county or municipality or any other district or governmental agency.

Before any garbage dump shall be established the location shall first be approved by the county health officer, and in addition, if the location is within two miles of any city the consent of the governing body of the city shall first be secured.

(Amended by Stats. 1939, Ch. 304, and by Stats. 1943 (4th Ex. Sess.), Ch. 53.)

6513. It may permit the use of any property of the district by any county or municipality, or any other district or governmental agency.

(Amended by Stats. 1943 (4th Ex. Sess.), Ch. 53.)

6514. It may, for the purposes specified in this part, acquire by purchase, gift, devise, condemnation proceedings, or otherwise, such real and personal property and rights of way, either within or without the limits of the district, as in the judgment of the board are necessary or proper to the exercise of its powers, and particularly for the purpose of permitting ingress to and egress from such real or personal property, and pay for and hold them, and it may dispose of such of its property as the board finds to be no longer required for the purposes of the district.

The district shall not condemn property outside of the county or counties in which it is located unless the board of supervisors of each county in which such property is located has consented to such acquisition by resolution.

(Amended by Stats. 1939, Ch. 304, by Stats. 1955, Ch. 1874, and by Stats. 1961, Ch. 1629.)

6515. It may make and accept contracts, deeds, releases, and documents that, in the judgment of the board, are necessary or proper in the exercise of any of the powers of the district.

6515.1. When the expenditure required for a district project exceeds two thousand five hundred dollars (\$2,500), it shall be contracted for and let to the lowest responsible bidder after notice, subject to the provisions of Section 6515.3.

(Added by Stats. 1961, Ch. 1445.)

6515.2. The notice inviting bids shall set a date for the opening of bids. The first publication or posting of the notice shall be at least 10 days before the date of opening the bids. Notice shall be published at least twice, not less than five days apart, in a newspaper of general circulation, printed and published in the district, or if there is none, it shall be posted in at least three public places in the district that have been designated by resolution as the places for posting public notices. The notice shall distinctly state the project to be done.

(Added by Stats. 1961, Ch. 1445.)

6515.3. In its discretion, the district board may reject any bids presented and readvertise. If two or more bids are the same and the lowest, the district board may accept the one it chooses. If no bids are received the district board may have the project done without further complying with this chapter.

(Added by Stats. 1961, Ch. 1445.)

6515.5. If there is a great public calamity, as an extraordinary fire, flood, storm, epidemic, or other disaster, or if it is necessary to do emergency work to prepare for national or local defense, the district board may pass a resolution by a four-fifths vote of its members declaring that the public interest and necessity demand the immediate expenditure of district funds to safeguard life, health, or property. Upon adoption of the resolution, it may expend any sum required in the emergency without complying with this chapter.

(Added by Stats. 1951, Ch. 1104; amended by Stats. 1957, Ch. 1491; repealed and added by Stats. 1961, Ch. 1445.)

6516. It may pay lawful claims and demands against it.

6517. It may employ and pay necessary agents and assistants.

6518. It may lay its sewers and drains in any public street or road in the county, and for this purpose enter upon it and make all necessary and proper excavations, restoring it to proper condition. The work of restoring and repairing any such public street or road in the county shall be done under

the supervision and control of the county engineer or road commissioner at the cost of the district, and in accordance with the standards established by ordinance of the board of supervisors for restoring and repairing county roads. If the street or road is in a city the consent of the proper city authorities shall first be obtained. If the street or road is in the unincorporated area of the county, the consent of the proper county authorities shall first be obtained.

(Amended by Stats. 1951, Ch. 923, and by Stats. 1953, Ch. 1568.)

6518.5. It may collect waste and garbage.

(Added by Stats. 1939, Ch. 303.)

6519. It may call and conduct all necessary or proper elections.

6520. It may compel all residents and property owners in the district to connect their houses and habitations and structures requiring sewerage or drainage disposal service with the sewers and storm drains in streets and to use the garbage collection and disposal system.

(Amended by Stats. 1943 (4th Ex. Sess.), Ch. 53.)

6520.1. It may prohibit any resident or property owner in the district from connecting any house, habitation, or structure requiring sewerage or drainage disposal service to any privately owned sewer or storm drain in the district.

(Added by Stats. 1961, Ch. 1090.)

6520.2. It may require any resident or property owner in the district who desires to have any house, habitation, or structure connected to a sewer or drainage disposal line owned by the district to pay his proportionate share of the cost of the line, either by an increased installation charge or by other arrangement with the district, if he did not contribute to the cost of the acquisition, construction, or installation of the line by the district.

(Added by Stats. 1961, Ch. 1090.)

6520.5. It may, by an order approved by a two-thirds vote of the members of the board, prescribe, revise and collect, fees, tolls, rates, rentals, or other charges for services and facilities furnished by it in connection with its sanitation or sewerage systems. Revenues derived by the district under the provisions in this section shall be used only for the acquisition, construction, reconstruction, maintenance and operation of sanitation or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers.

(Added by Stats. 1947, Ch. 1286.)

6521. It may make and enforce all necessary and proper regulations for:

(a) The removal of garbage.

(b) The cleanliness of the roads and streets of the district.

(c) All other sanitary purposes not in conflict with the laws of this State.

6521.5. Any district may exercise the power granted to sanitation districts by Section 4765 of this code.

(Added by Stats. 1949, Ch. 1018.)

6522. It may do any act necessary or proper to the complete exercise and effect of any of its powers, or for the purposes for which it is formed.

6522.1. No regulation or ordinance of a district which regulates or prescribes standards for the installation of plumbing inside of buildings and structures, shall be effective within any county, city and county, or city which has adopted an ordinance, regulation, or code incorporated in an ordinance governing such installations.

(Added by Stats. 1953, Ch. 1155.)

6523. A violation of a regulation or ordinance of a district is a misdemeanor punishable by fine not to exceed one hundred dollars (\$100), imprisonment not to exceed one month, or both.

6523.1. It may borrow money and incur indebtedness and guarantee the performance of its legal or contractual obligations whether heretofore or hereafter incurred; and also refund or retire any public indebtedness or lien that may exist or be created against the district or any property therein which shall have arisen out of the transaction of the affairs of the district.

(Added by Stats. 1947, Ch. 1375.)

6523.2. In order to effect its powers, it may enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities and may terminate service to property in which a violation of any rule or regulation is found to exist.

Prior to termination of service, however, the district board shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be so terminated and conduct a hearing thereon as herein provided. Such notice shall be mailed to the owner at the address shown on the records of the assessor of the county or as known to the clerk, and a copy shall be delivered to the tenant or posted conspicuously on the property. The notice shall state the date of proposed termination of service and the reasons therefor and the date the district board shall hold a hearing upon such intended termination. Such hearing shall not be held less than 10 days subsequent to the giving of notice as herein required.

(Added by Stats. 1959, Ch. 1068.)

Article 1.5. Inclusion in County Sanitation District

(Article 1.5 added by Stats. 1947, Ch. 1375)

6524. Any district organized under the provisions of this act may become a part of a county sanitation district after the

board of supervisors of the county within which the district is located, has, after a hearing, pursuant to the County Sanitation District Act, found and determined by resolution duly adopted that such inclusion is for the best interest of the district and the governing body of the district consents thereto by resolution adopted by the affirmative vote of four-fifths of its members.

(Added by Stats. 1947, Ch. 1375.)

6525. A sanitary district which becomes a part of a county sanitation district as hereinabove provided for is not thereby dissolved, but may continue to function, except as herein otherwise provided, in the same manner as heretofore.

(Added by Stats. 1947, Ch. 1375.)

6526. When a sanitary district is not included in a county sanitation district at the time of formation of the latter, it may subsequently become included within such county sanitation district, upon its sanitary board adopting a resolution, by the affirmative vote of four-fifths of its members, declaring its intention so to do.

(Added by Stats. 1947, Ch. 1375.)

6527. Following the formation of such county sanitation district it shall have no jurisdiction within such sanitary district until the legislative body of such sanitary district shall, by resolution adopted by the affirmative vote of no less than four-fifths of its members, determine what facilities and functions of constructing, maintaining and operating sanitary sewerage facilities of such sanitary district shall be transferred to such county sanitation district.

(Added by Stats. 1947, Ch. 1375.)

6528. Copies of the resolutions herein mentioned, duly certified by the clerk or secretary of the respective legislative bodies, shall be filed with the county clerk, in the respective files of such sanitary district and county sanitation district, and with the county assessor, and such resolutions shall not be effective until said copies are so filed.

(Added by Stats. 1947, Ch. 1375.)

6529. Nothing herein shall prevent any territory within a county sanitation district from being formed into or annexed to any sanitary district, and such territory shall thereafter become subject to this article.

(Added by Stats. 1947, Ch. 1375.)

Article 2. Sewer Maintenance in Cities

6530. At any time after the sewer or other sanitary system is constructed the governing body of any city lying within the limits of the district may elect to keep and maintain the lateral sewer lying within the city in order and repair and may enter into an agreement with the board to do so.

From the date of the agreement the governing body shall keep the lateral in repair and the board is not required to keep it in order or repair.

After a city elects to keep the lateral sewers within its corporate limits in order and repair the property within the corporate limits of the city shall not be taxed for running expenses necessary to keep and maintain the lateral sewer lying within the city in order and repair but shall be taxed for the inspection and repairs of the main sewers lying within the city together with the expense of those functions other than sewerage collection within the city performed by the district pursuant to Section 6512 hereof.

(Amended by Stats. 1949, Ch. 1201.)

6530.1. Whenever any portion of a district has been included within a city by annexation, incorporation, or otherwise, the governing body of such city may elect, upon agreement by the district, to construct new storm water drains and storm water collection, outfall and disposal facilities within the city limits, and acquire title to and reconstruct, alter, enlarge, renew, replace, maintain and operate existing storm water drains and storm water collection, outfall and disposal facilities, lying within the city and may enter into an agreement with the board to do so.

From the date fixed in the agreement the city shall have exclusive jurisdiction to perform the functions described in the first paragraph of this section and in the agreement in that portion of the district lying within the city, and the board is not required to exercise any functions pertaining to such storm water drains and storm water collection, outfall and disposal facilities, and is relieved of all liability in connection therewith.

If the city elects to perform such functions within the city, the property within the corporate limits of the city shall not be taxed by the district for any costs necessary to construct, maintain, and keep in repair such storm drains and storm water collection, outfall and disposal facilities lying within the city which are taxed by the city for those functions, other than storm drains and storm water collection, outfall and disposal facilities within the city which continue to be owned, maintained and operated by the district pursuant to Section 6512 of this code.

(Added by Stats. 1961, Ch. 419.)

6531. Where an entire district shall have heretofore become located within the boundaries of a city by reason of the incorporation thereof, and said district shall have continued thereafter to function as a sanitary district, and no court having jurisdiction of the subject matter shall have adjudicated that said district has merged with said city, and a portion of the boundary of said district shall thereafter have become extended beyond the territorial limits of said city by reason of annexation thereto, said district shall during all said times be and

constitute a legally existing sanitary district and shall not thereafter be deemed or adjudged to have merged with said city by reason of said original inclusion therein.

(Added by Stats. 1949, Ch. 977.)

Article 3. Application of Other Statutes

6540. The governing board may order the construction of sewers, drains, septic tanks, and sewerage collection, outfall, treatment works and other sanitary disposal systems, and storm water drains and storm water collection, outfall and disposal systems, and appurtenances and appurtenant work in the whole or any portion of any of the streets, highways, or public places either in or out of the district, or in property or in rights of way owned by the district, and acquire property, rights of way, and easements therefor, and may provide that the cost shall be assessed upon the fronting lots and lands or on a special assessment district; provided, that said district shall first obtain the consent to said work and the assumption of jurisdiction thereover from the legislative body having jurisdiction of the territory within which any of the proposed work is to be done; and provided further, that if any of the territory proposed to be assessed shall be outside the boundaries of the district, the consent of the legislative body having jurisdiction over such territory shall be obtained to the formation of the special assessment district.

(Amended by Stats. 1939, Ch. 303, Ch. 566 and Ch. 1124, and by Stats. 1953, Ch. 765.)

6541. The Improvement Act of 1911, the Street Opening Act of 1903, the Improvement Bond Act of 1915, the Street Improvement Act of 1913, and the Municipal Improvement Act of 1913 are applicable to districts.

(Amended by Stats. 1939, Ch. 566 and Ch. 1124, and by Stats. 1957, Ch. 1491.)

6541.5. (Added by Stats. 1939, Ch. 303; amended by Stats. 1941, Ch. 1072; repealed by Stats. 1957, Ch. 1491.)

6542. In the application of those acts to proceedings under this article the terms used in those acts shall have the following meanings:

- (a) "City council" and "council" mean board.
- (b) "City" and "municipality" mean district.
- (c) "Clerk" and "city clerk" mean secretary.
- (d) "Superintendent of streets," "street superintendent," and "city engineer" mean the engineer of the district, or any other person appointed to perform such duties.
- (e) "Tax collector" means county tax collector.
- (f) "Treasurer" and "city treasurer" mean any person or official who has charge of and makes payment of the funds of the district.

(g) "Right of way" means any parcel of land in, on, under or through which a right of way or easement has been granted to the district for the purpose of constructing and maintaining any of the works or improvements mentioned in Section 6540.

(h) "Health officer" means the health officer appointed by the legislative body having jurisdiction over all or any portion of the territory to be served by any of the works mentioned in Section 6540, except that as to cities which have consented to or contracted for health administration by the county health officer pursuant to Division 1, Part 2, Chapter 1, Articles 2 and 2A of the Health and Safety Code, it shall mean the county health officer.

(Amended by Stats. 1953, Ch. 765.)

6543. The powers and duties conferred by those acts and supplementary acts upon boards, officers, and agents of cities shall be exercised by the respective boards, officers, and agents of the district.

6544. The improvements authorized to be constructed or acquired by this article are restricted to those permitted to be constructed or acquired by such districts under Article 1 of this chapter.

(Added by Stats. 1941, Ch. 1072.)

6545. No assessment or bond hereafter levied or issued shall become a lien and no person shall be deemed to have notice thereof until a certified copy of said assessment and the diagram thereto attached shall be recorded in the office of the county surveyor if the improvement district or any part thereof is in unincorporated territory and with the superintendent of streets of the city or cities if the improvement district or any part thereof is in incorporated territory.

(Added by Stats. 1941, Ch. 1072.)

CHAPTER 5. ELECTIONS

Article 1. Generally

6560. The election on the question of formation of a district and all district elections shall be conducted as nearly as practicable in accordance with the general laws, except that the requirements as to the form of ballots and the nomination of candidates do not apply.

6561. Every voter resident within the district or a proposed district for the period requisite to enable him to vote at a general election, is entitled to vote at district elections.

6562. At an annexation election every qualified voter resident in the territory proposed to be annexed for the length of time necessary to enable him to vote at a general election may vote.

(Amended by Stats. 1949, Ch. 977.)

6563. At district elections the last great register of the county shall be used, and any person otherwise entitled to vote whose name is not upon the register is entitled to vote upon producing and filing with the election board a certificate, under the hand and seal of the county clerk, showing that his name is registered and uncanceled upon the great register of the county.

6564. The board may establish a convenient number of polling places.

(Amended by Stats. 1947, Ch. 205, by Stats. 1949, Ch. 977, and by Stats. 1955, Ch. 1241.)

6565. (Repealed by Stats. 1949, Ch. 977.)

6566. For all elections the board shall appoint one inspector and two judges of the election for each polling place, and make all necessary and proper arrangements for holding the election.

6567. These election officers constitute the election board.

6568. If no election officers are appointed, or if those appointed are not present at the time of the opening of the polls, the voters present may appoint them and they shall conduct the election.

Article 2. Election of Officers

6580. All elections of officers, after the formation of the district shall be held on the second Tuesday in September.

(Amended by Stats. 1951, Ch. 458 and Ch. 1494, and by Stats. 1957, Ch. 1102.)

6581. Not less than 60 days before the day of the election the board shall give notice of the election by posting notices in three public places in the district.

The notices shall specify the time and place of election, the hours during which the polls will be kept open, and the officers to be elected.

(Amended by Stats. 1953, Ch. 1661.)

6582. The name of a candidate shall be printed on the ballot, when a nominating petition has been filed with the secretary.

6583. The nominating petition shall consist of not less than five nor more than 20 signatures.

6584. It shall read substantially as follows:

NOMINATING PETITION

State of California }
County of _____ } ss.

I (or we) the undersigned certify that I join in a petition for the nomination of _____ for the office of _____ of the sanitary district (naming it) _____ to be voted for at the election on the _____ day of _____, 19____. I am a qualified

elector, residing in the district. I am not at this time a signer of any other petition nominating any other candidate for the office, or in case there are several places to be filled in the same office I have not signed more petitions than there are places to be filled in the office.

(Signed) _____

State of California. }
County of _____ } ss.

_____ being first duly sworn deposes and says: That he is one of the persons who signed the foregoing petition and that the signatures are the signatures of the persons whose names they purport to be.

6585. The nominating petition may be upon one or more sheets of paper.

Each petition shall contain the name of only one candidate who shall be a resident elector of the district.

(Amended by Stats. 1959, Ch. 154.)

6586. Each signer shall be a qualified elector, residing in the district, and shall not at the time of the signing have his name signed to any other petition for any other candidate for the same office, nor in case there are several places to be filled in the same office, signed to more petitions for that office than there are places to be filled for that office.

6587. The petitions shall be verified under oath of one of the signers, that the signatures are the signatures of the persons whose names they purport to be.

6588. A nominating petition may be presented to the secretary not earlier than 60 nor less than 40 days before the election.

(Amended by Stats. 1953, Ch. 1659.)

6588.1. If, on the 40th day prior to the day fixed for the district general election, only one person has been nominated for each office of member of the board of directors or for the office of assessor to be filled at that election, or no one has been nominated for such office, and if on the 30th day prior to the day fixed for the election a petition signed by 5 percent of the qualified electors in the district, requesting that the district general election in the district be held, has not been presented to the board of directors of the district, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county in which the district, or a greater portion thereof, is situated at a regular or special meeting held prior to the day fixed for the election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to the office prior to the date when the election would

have been held. The person appointed shall qualify and take office and serve exactly as if elected at a district general election.

In such instances notices shall be posted in three public places in the district at least 10 days before the date fixed for the election, which notices shall state that no election is to be held and that the board of supervisors will appoint, or has appointed, a person to serve for the ensuing term in each of the offices which would have been filled at the election.

(Added by Stats. 1953, Ch. 1660; amended by Stats. 1957, Ch. 1491, and by Stats. 1961, Ch. 523.)

6588.2. Notice that such appointment may be made in the event that only one or no nomination is made and no petition requesting an election is filed, shall be published in a newspaper of general circulation in the district, once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

(Added by Stats. 1961, Ch. 523.)

6589. The date upon which the petition is presented shall be indorsed on it by the secretary.

6590. When a petition is presented for filing the secretary shall forthwith examine it and ascertain whether or not it conforms to this part.

If found not sufficient it shall be returned to the person who presented it.

6590.5. Not less than 30 days before the day of the election, the board shall give notice of the names of the candidates for office to be voted upon at the election by posting notices in three public places in the district. The notices shall specify the time and place of the election, the hours during which the polls will be kept open, and the name of each candidate and the office for which he is a candidate.

(Added by Stats. 1961, Ch. 726.)

6591. The secretary shall cause the ballots to be printed and they shall contain the names of the candidates whose petitions have been filed as provided in this part.

6592. Where a district has not already been formed the county clerk shall perform the duties of the secretary concerning nominations.

6593. The election board shall publicly canvass the votes immediately after the closing of the polls, and shall certify the result to the board within 24 hours after the closing of the polls. Within 15 days after the time for receipt of absentee ballots shall have expired, the board shall canvass the returns, and shall deliver a certificate of election to each officer elected.

(Amended by Stats. 1953, Ch. 765, and by Stats. 1957, Ch. 1491.)

Article 3. Bond Elections

6610. Notice of bond elections shall be given by posting notices, signed by not less than a majority of the board, in three public places in the district, at least one of which shall

be in each county in which the district is located, not less than 20 days before the election, and by publishing the notice not less than once a week for three successive weeks before the election in a newspaper published in the district, if there is one, and if not, in a newspaper published in each county in which the district is located.

(Amended by Stats. 1961, Ch. 1629.)

6611. The notice shall contain:

(a) Time and place of holding the election.

(b) The names of the officers of election appointed to conduct it.

(c) The hours during the day in which the polls will be open.

(d) A statement of the purpose for which the election is held.

(e) The amount of the proposed bonds, the rate of interest or maximum rate of interest to be paid and the number of years not to exceed which the whole of the bonds are to run.

(Amended by Stats. 1949, Ch. 977.)

6612. The vote shall be by ballot, without reference to the general law in regard to form of ballot.

The ballot shall contain the words "Bonds—Yes" and "Bonds—No," and the person voting at the election shall put a cross (+) upon his ballot after the "Yes" or "No" to indicate whether he has voted for or against the bonds.

6613. After the votes have been announced the ballots shall be sealed and delivered to the secretary or president of the board, which board shall on the seventh day after the election meet and canvass the returns and enter the results in its minutes.

The entry is conclusive evidence of the fact and regularity of all prior proceedings and of the facts stated in the entry.

(Amended by Stats. 1953, Ch. 765.)

Article 4. Annexation Elections

6625. Notice of an annexation election shall be given by posting a copy of the order calling the election for four successive weeks prior to the election, in three public places within the district and the territory proposed to be annexed, at least one of which shall be in each county within which the district is located, and by publication once a week for four successive weeks prior to the election in a newspaper published in the district, if there is one and if not, in a newspaper published in the each county in which the district is located. If any territory proposed to be annexed to a district is located in a county other than a county in which the district is located, the same publications shall also be made in a newspaper of general circulation published in the county within which the territory is located.

(Amended by Stats. 1961, Ch. 1629.)

6626. The ballot shall contain the words, "For annexation to the sanitary district," and "Against annexation to the sanitary district," and there shall be a voting square to the right of and opposite each proposition.

6627. After the votes have been announced the ballots shall be sealed and delivered to the secretary or president, and the board shall, as soon as practicable proceed to canvass them.

6628. Immediately upon the completion of the canvass the board shall cause a record to be made and entered upon its minutes showing the number of votes cast in the territory proposed to be annexed, the number of votes cast in favor of annexation, and the number cast against annexation.

(Amended by Stats. 1959, Ch. 157.)

6629. The entry of the order canvassing said election is conclusive evidence of the fact and legality of all prior proceedings and of the facts stated in the entry.

(Added by Stats. 1949, Ch. 977.)

CHAPTER 6. BONDS

Article 1. Generally

6640. A district may issue bonds as provided in this part.

6641. A district may issue bonds to raise money for any of the purposes stated in Section 6512 hereof.

(Amended by Stats. 1939, Ch. 304, and by Stats. 1943 (4th Ex. Sess.), Ch. 53.)

6642. By order entered in its minutes, when in its judgment it is advisable, the board may and shall, upon a petition of a majority of the qualified electors residing in the district, call an election and submit to the electors of the district the question whether bonds shall be issued.

6643. The order calling the election may submit as one proposal the question of issuing bonds to make all of the outlays, or so many of them as may be selected, or the order may submit at the election as separate questions the issuance of bonds for any of the outlays singly or in combination.

(Amended by Stats. 1953, Ch. 765.)

6644. If, at the election, two-thirds of the votes cast are in favor of the issuance of bonds, the board may issue and dispose of the bonds as proposed in the order calling the election.

(Amended by Stats. 1955, Ch. 1874.)

6644.1. If at an election held pursuant to Section 6644, two-thirds of the vote cast were not in favor of the issuance of the bonds and if the health officer of the county in which the principal portion of the district is located makes a finding that the proceeds of any bond issue are necessary for the construction of sewage facilities essential to the public health, and said finding is concurred in by the board of supervisors of such county as evidenced by resolution, then by resolution adopted by a four-fifths vote, the district board may call for a bond election and provide in the resolution calling for such election that bonds for the district for the amount stated may be issued and sold if a majority of the votes cast at the election are in

favor of incurring the bonded indebtedness as proposed. This section shall remain in effect until September 1, 1965.

(Added by Stats. 1955, Ch. 1874; repealed and added by Stats. 1963, Ch. 1099.)

6645. Bonds issued by the district under the provisions of this part shall be of such denomination or denominations as the board determines.

(Amended by Stats. 1963, Ch. 736.)

6646. The bonds shall be payable in lawful money of the United States at the office of the treasurer and bear interest at a rate not exceeding 6 percent per annum, payable semi-annually in like lawful money. The interest for the first year may be payable in one installment at the end of such year, or the interest for the period from the date of the bonds to a date not later than 30 days after the date the second installment of the first district taxes levied after the date of said bonds will become delinquent may be payable in one installment at the end of such period.

(Amended by Stats. 1953, Ch. 765.)

6647. No bonds shall be payable in installments, but each shall be payable in full on the date specified therein by the board, which need not be an anniversary of the date of the bond.

The board may provide that any bond issued by the district may be subject to call and retirement prior to maturity at such times and prices and upon such other terms as the board may specify. If a bond is subject to call and retirement prior to maturity that fact shall be stated in the bond.

(Amended by Stats. 1939, Ch. 304, by Stats. 1949, Ch. 977, and by Stats. 1953, Ch. 765.)

6648. Each bond shall be signed by the president and countersigned by the secretary.

The bonds shall be numbered consecutively, beginning with number one, and shall have coupons attached referring to the number of the bond.

6649. The bonds shall be sold by the board in such manner and in such quantities as may be determined by it in its discretion.

No bond may be sold for less than its face value.

Before selling the bonds, or any part thereof, the board shall give notice inviting sealed bids in such manner as the board may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either again give notice inviting bids or sell the bonds at private sale.

(Amended by Stats. 1953, Ch. 765.)

6650. The term of bonds issued shall not exceed 40 years.

6651. The outstanding bonds of the district shall not at any one time exceed 15 percent of the assessed value of the real and personal property of the district. Within the meaning of this section the term "bonds" means only bonds payable from the proceeds of taxes levied upon taxable property in the district.

(Amended by Stats. 1953, Ch. 765.)

6652. (Repealed by Stats. 1949, Ch. 977.)

6653. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

(Amended by Stats. 1961, Ch. 1558.)

6654. (1) An issue of bonds is hereby defined to be the aggregate principal amount of all of the bonds authorized to be issued in accordance with a proposal submitted to and approved by the electors of the district, but no indebtedness will be deemed to have been contracted until bonds shall have been sold and delivered and then only to the extent of the principal amount of bonds so sold and delivered.

(2) The sanitary board of any district issuing any bonds heretofore or hereafter authorized may, in its discretion, divide the aggregate principal amount of such issue into two or more divisions or series and fix different dates for the bonds of each separate division or series. In the event any authorized issue is divided into two or more divisions or series, the bonds of each division or series may be made payable at such time or times as may be fixed by the legislative body of the district separate and distinct from the time or times of payment of bonds of any other division or series of the same issue.

(3) The provisions of this section shall also apply to bonds issued in an annexed territory and to reconstruction bonds and refunding bonds.

(Added by Stats. 1949, Ch. 977.)

6655. In determining the amount of bonds to be issued, the legislative body may include:

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said bonds, bond reserve funds and working capital and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

(Added by Stats. 1951, Ch. 1648; repealed by Stats. 1953, Ch. 765; added by Stats. 1957, Ch. 1378.)

Article 2. Bonds of Annexed Territory

(Heading amended by Stats. 1943 (4th Ex. Sess.), Ch. 53)

6660. At any time after the annexation of territory, the board may issue bonds to raise money for any of the purposes stated in Section 6512 hereof in or for the benefit of said annexed

area in the same manner as in any other part of the district, except, only qualified electors resident within the annexed territory are entitled to petition or vote in the proceedings. In the event any such bonds are issued in such annexed territory, or in lieu thereof proceedings are had under Article 3 of Chapter 4 of this part, said territory shall not be subject to taxation for any bonds of the district or of any area previously annexed thereto theretofore authorized to be issued for one or more of the same purposes under Article 1 of Chapter 6 of this part. When no such bond proceedings are intended to be taken in such territory, then in the order of the sanitary board fixing the boundaries thereof, or by resolution adopted subsequently thereto when it is found by said sanitary board to be necessary in order to provide equality of taxation in said annexed area, said sanitary board may determine that said annexed area shall not be subject to taxation for any prior indebtedness of said district or of any other part thereof. Certified copies of said resolution shall be filed with the county clerk and also with the county assessor and thereafter said annexed area shall not be subject to taxation for any such prior indebtedness.

(Amended by Stats. 1943 (4th Ex. Sess.), Ch. 53, and by Stats. 1947, Ch. 1375.)

6661. The provisions of this part with reference to bonds in annexed territory do not limit the powers or alter the procedure provided for the issuance of bonds by an entire district and payable out of taxes levied upon all taxable property whether the boundaries of the district remain as originally established or have been altered by annexation.

(Amended by Stats. 1943 (4th Ex. Sess.), Ch. 53.)

Article 3. Reconstruction Bonds

6670. (Repealed by Stats. 1953, Ch. 765.)

6670.1. Bonds of the district for the purpose of providing funds for the construction of a larger main sewer or a different system shall be authorized and issued in the same manner as that provided in this part for other bonds of the district.

(Added by Stats. 1953, Ch. 765.)

Article 4. Exchange of Bonds

6680. After a district organized under the Sanitary District Act of 1891, or Chapter 161, Statutes of 1891, has been reorganized under this part the entire amount of bonds issued by it under either act may be presented by the holder to the board, and there shall be issued in exchange to the holder, by the board, bonds issued in accordance with this part for the various amounts of the bonds surrendered.

6681. The new bonds shall be payable as nearly as practicable at the same time as the installments on the old bonds and in equal amounts.

Interest on the new bonds shall be paid at the same time and rate as on the old bonds.

The amount of the new bonds payable in any one year shall equal the amount of the installments on the old bonds payable in that year.

6682. The expenses of the exchange shall be borne by the holder of the bonds presented for exchange.

6683. After the exchange the old bonds shall be canceled by punching holes in the signatures, and shall be retained by the county treasurer.

Article 5. Refunding Bonds

(Article 5 added by Stats. 1939, Ch. 304)

6690. The board may cause refunding bonds to be issued for the purpose of refunding any or all outstanding bonds of the district.

(Added by Stats. 1939, Ch. 304.)

6691. Refunding bonds shall be issued and delivered only when the bonds to be refunded have matured or are about to mature or are subject to retirement before maturity, or, if the outstanding bonds are not subject to retirement the retirement thereof shall have been assured or obtained by consent of the holders thereof.

(Added by Stats. 1939, Ch. 304.)

6692. Except as otherwise provided in this article, refunding bonds shall be issued in substantially the manner and form prescribed for the issuance of other bonds under this part and the provisions of this part concerning the authorization, certification, issuance, and sale of bonds shall be applicable to bonds issued under this article.

(Added by Stats. 1939, Ch. 304.)

6693. The board desiring to refund any of its bonds may formulate a proposed plan for that purpose and shall call an election for the purpose of authorizing the issuance of such refunding bonds.

The election shall be called and held and the result thereof determined and declared substantially in the same manner as provided by this part for the issuance of other bonds of the district.

(Added by Stats. 1939, Ch. 304.)

6694. Only a majority vote shall be required to authorize the issuance of refunding bonds.

(Added by Stats. 1939, Ch. 304.)

6694.1. The maturity date of refunding bonds shall be fixed by the board but in no case shall the maturity of any such bonds be more than 40 years from the date thereof.

(Added by Stats. 1939, Ch. 304.)

6694.2. The rate of interest on refunding bonds shall not exceed 6 per cent per annum payable semiannually.

(Added by Stats. 1939, Ch. 304.)

6694.3. Refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of the bonds to be refunded thereby and in addition all expenses incidental to the calling, retiring or payment of such outstanding bonds and the issuance of such refunding bonds.

(Added by Stats. 1939, Ch. 304.)

CHAPTER 7. FINANCES AND TAXATION

Article 1. Generally

6695. (a) Except as otherwise provided in this part, no more than sixty cents (\$0.60) on each one hundred dollars (\$100) assessed valuation shall be levied for all the district purposes in any one year, besides what is required for the payment of the bond principal and interest for that year.

(b) Except as otherwise provided in this part, if the board elects to use the county assessor's tax roll pursuant to Article 6 (commencing with Section 6780) of this chapter, no more than one dollar (\$1) on each one hundred dollars (\$100) assessed valuation shall be levied for all the district purposes in any one year, besides what is required for the payment of the bond principal and interest for that year.

(Amended by Stats. 1939, Ch. 1059, by Stats. 1953, Ch. 628, and by Stats. 1961, Ch. 990.)

6696. The board may prescribe the time and manner of assessing, levying, and collecting taxes for district purposes, except as otherwise provided in this part.

6697. District taxes may be assessed, levied, and collected for any or all of the following purposes:

(a) To pay the principal and interest of the bonds issued by the district.

(b) To raise money for any of the purposes stated in Sections 6512 and 6660 hereof.

(c) To pay any lawful claims against the district.

(d) To pay the running expenses of the district.

(Amended by Stats. 1939, Ch. 304, and by Stats. 1943 (4th Ex. Sess.), Ch. 53.)

6698. The board shall annually levy a tax upon the taxable property in the district sufficient to pay the interest on bonds for the year, and such portion of the principal as is due or is to become due during the year, so that the entire amount of principal and interest of the bonds shall be paid at or before maturity, and in any event within 40 years of the date of issuance of the bonds.

6699. If any portion of the interest or principal due for any year remains unpaid, it shall be added to the levy for the next year, and shall be collected and paid accordingly.

6700. The payment of the principal and interest of all bonds, within 40 years from their issuance, is the obligation of the district; and, if necessary to accomplish that purpose, a special tax shall be levied.

6701. Taxes for the payment of the principal and interest of bonds of annexed territory shall be limited to the taxable property in the annexed territory.

(Amended by Stats. 1943 (4th Ex. Sess.), Ch. 53.)

Article 2. Assessment by District Assessor

6715. Between the first Mondays in March and July annually the assessor shall assess all taxable property in the district to the persons by whom it was owned or claimed, or in whose possession or control it was at 12 o'clock noon of the first Monday in March next preceding.

6716. No mistake in the name of the owner of any property, or any informality in the description or in other parts of the assessment, shall invalidate the assessment.

6717. The assessor shall verify his assessment roll, and shall deposit it with the board on the first Monday in July in each year, or as soon thereafter as is practicable.

6718. All the provisions of law relating to assessment of property by county assessor shall, so far as applicable, apply to and govern the acts of the assessor in the assessment of taxable property in the district.

Article 3. Equalization of Assessments by District Assessor

6730. Annually, on the first Monday of July at 7.30 p.m. the board shall meet as a board of equalization.

6731. If the district assessor has returned the assessment roll for the year the board shall proceed to equalize the assessments.

6732. If the assessment roll has not been returned by the district assessor the board shall adjourn from time to time until the roll has been returned, and for the purpose of adjournment one or more of the members of the board present may make and announce the adjournment.

(Amended by Stats. 1959, Ch. 161.)

6733. When the assessment roll is returned by the district assessor, the board shall equalize the assessments, and the board shall continue in session as a board of equalization with reasonable intermissions until the roll has been examined, rectified, and equalized.

6734. The board may hear complaints as to the proceedings of the district assessor and adjudicate and determine the controversy. It may of its own motion raise an assessment, after such reasonable notice to the party whose assessment is to be raised, as may be ordered by the board.

Article 4. Levy of Tax

6745. After the equalization of the assessments has been completed, the board shall, by resolution, fix the rate of taxation for district purposes, designating the number of cents on

each one hundred dollars (\$100) to be levied for each fund and shall designate the fund into which the proceeds shall be paid.

6746. After the entry in the minutes of the resolution fixing the rate of the tax the board shall cause the district assessor to compute the amount of the tax upon each item of real and personal property, and enter the amount on the assessment roll.

6747. When completed, the roll shall be verified by the district assessor and signed by the president and secretary.

The amount of the tax then is a lien on the property against which it is assessed, and has the effect of a judgment against the owner.

The lien has the force and effect of an execution duly levied against all the property of the delinquent, and is not satisfied and the lien is not extinguished until the taxes are paid or the property sold to satisfy them. The statute of limitations shall not apply.

Article 5. Collection

6760. As soon as practicable, but not later than the third Monday in August, after the taxes have been computed and extended on the assessment roll, verified by the district assessor and signed by the president and secretary of the board, the board shall transmit, or cause the district assessor to transmit, the roll or a duplicate to the tax collector of the county.

6761. The tax collector shall collect the taxes shown to be due, in the same manner as he collects the county taxes.

6762. All the provisions of the laws of the State as to the collection of taxes and delinquent taxes, and the enforcement of their payment, so far as applicable, apply to the collection of district taxes.

6763. The board may direct the district attorney of the county to commence and prosecute suits for the collection of the whole or any portion of the delinquent taxes.

The district attorney shall carry out such directions of the board.

The district attorney and the sureties on his official bond are responsible for the due performance of the duty imposed upon him by this part.

6764. All money collected for district purposes by the district attorney under this part shall be at once paid to the treasurer.

6765. The board may at any time, by order entered in its minutes, provide a system for the collection of delinquent taxes, or make any change in the manner of their collection.

6766. The tax collector shall immediately pay to the treasurer all money collected by him for district purposes and the treasurer shall keep it in the county treasury as provided in this part.

6767. The tax collector and the sureties on his official bond are responsible for the due performance of the duties imposed upon him by this part.

Article 6. Use of County Assessor's Roll

6780. The board may elect to avail itself of the assessment made by the assessor of the county in which the district is situated, and may take that assessment as the basis for district taxation.

6781. The board shall declare its election by resolution and shall file a certified copy with the auditor and the assessor of the county on or before the first Monday in February of the year in which the district proposes to use the county assessment roll.

Until the board by resolution elects otherwise all taxes shall be levied by the board of supervisors of the county in which the district is situated and collected by the county assessor and tax collector of the county.

(Amended by Stats. 1939, Ch. 1059.)

6782. Following the board's election, the county auditor shall on or about the third Monday of August of each year transmit to the board a written statement showing the total value of all property in the district, which value shall be ascertained from the assessment roll used by the county for that year.

(Amended by Stats. 1939, Ch. 1059, and by Stats. 1963, Ch. 426.)

6783. The board shall, then, before September 1st, estimate the amount of money needed and fix the rate of taxation for district purposes and for the payment of the principal and interest of that year upon outstanding bonds and the payment of the principal and interest that the board believes will become due during the year on bonds authorized but not sold.

(Amended by Stats. 1939, Ch. 1059, by Stats. 1957, Ch. 1491, and by Stats. 1963, Ch. 426.)

6784. The board shall designate the number of cents on each one hundred dollars (\$100) to be levied for each fund and the fund into which the proceeds shall be paid, using as a basis the value of property as assessed on the county roll.

6785. When so determined, the board shall certify to the board of supervisors of the county in which the district is situated the amount of money needed and the rate of taxation fixed. The board of supervisors shall thereafter levy a tax at the rate certified upon all taxable property in the district, at the time of making the levy of county taxes for the particular year.

(Repealed and added by Stats. 1939, Ch. 1059.)

6786. The county auditor shall compute and enter in the county assessment roll the respective sums to be paid as a district tax on the property in the district, using the rate of levy as fixed by the board and the assessed value as found on the assessment roll.

The taxes shall be collected at the same time and in the same manner as county taxes are collected, and when collected shall be at once paid to the treasurer.

(Amended by Stats. 1939, Ch. 1059, and by Stats. 1963, Ch. 426.)

6787. The taxes are a lien on all the property in the district, and the taxes, whether for the payment of a bonded indebtedness, or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection shall be enforced by the same means as provided for the enforcement of liens for county taxes.

Article 6.5. Districts in More Than One County
(Article 6.5 added by Stats. 1961, Ch. 1629)

6789. Taxes for a district which is situated in more than one county and which has availed itself of the county assessor's roll pursuant to Sections 6780 and 6781 shall be levied in accordance with the following procedure:

(a) The district board shall annually, before the time of fixing the general tax levy for county purposes, estimate the amount of money necessary to be raised by taxation to meet the requirements for district purposes, including, but not limited to, operation, maintenance, and payment of principal and interest on outstanding bonds which will become payable before the proceeds of another tax levy made at the time of the next general tax levy for county purposes can be made available for payment of such operation, maintenance, principal and interest.

(b) The total estimate shall be divided by the district board in proportion to the value of the real property of the district in each county. The value shall be determined from the equalized values of the last assessment rolls of the counties. When the division of the estimate has been made, the district board shall promptly certify to the boards of supervisors of the counties in which the district is situated the respective parts of the estimate apportioned to each county.

(c) The board of supervisors of each county in which is situated any part of a district shall annually, at the time of levying county taxes, levy a tax upon all the property within the district situated in the county sufficient to raise the amount so certified to the board of supervisors by the district board.

(d) The tax shall be collected by the same officers and in the same manner as other county taxes, and the money so collected shall be transmitted to the district treasurer.

(Added by Stats. 1961, Ch. 1629.)

Article 7. Funds

6790. In a fund called the "bond fund of sanitary district" (naming it) the treasurer shall keep the money levied by the board for that fund.

6791. No part of the money in the bond fund may be transferred to any other fund or be used for any purpose other than the payment of the principal and interest of the bonds of the district, and for the retirement of bonds that have been issued by a district that formerly formed a part of the district while any bonds are unpaid.

6792. In a fund called the "running expense fund of ----- Sanitary District" (naming it) the treasurer shall place and keep the money levied by the board for that fund.

6793. The whole or any part of the money in the running expense fund shall be transferred to the bond fund, or to any other fund provided for in this part, on the order of the board.

6794. The treasurer shall pay out money of the district only upon the written order of the board, signed by the president and countersigned by the secretary.

The order shall specify the name of the person to whom the money is to be paid, the fund from which it is to be paid, and shall state generally the purpose for which the payment is to be made.

The order shall be entered in the minutes of the board.

6795. The treasurer shall keep the order as his voucher, and shall keep a specific account of receipts and disbursements for the district.

6796. The proceeds of the sale of bonds shall be deposited with the treasurer and shall be by him placed in the fund to be called the "sewer construction fund of ----- Sanitary District" (naming it).

6797. The money in the sewer construction fund shall be used for the purpose indicated in the order calling the election upon the question of the issuance of the bonds, and for no other purpose, but, if after those purposes are entirely fulfilled any balance remains in the fund, the balance may, upon the order of the board, be transferred to either of the other funds provided by this part.

6798. All fines for the violation of any regulation or order of the board shall, after the expenses of the prosecution are deducted, be paid to the secretary, who shall forthwith deposit them with the treasurer, who shall place them in the running expense fund of the district.

6799. The county treasurer and sureties upon his official bond are liable for the due performance of the duties imposed upon him by this part.

6800. Notwithstanding the provisions of any other section of this article, the board may, out of any surplus funds remaining in the bond fund, the running expense fund or the sewer construction fund, purchase in the open market its outstanding unmatured bonds.

No bonds shall be purchased at a price above par and accrued interest plus an allowance of six months interest from the date of purchase. All bonds so purchased shall be canceled.

(Added by Stats. 1939, Ch. 304.)

6801. As an alternative to the functions of the treasurer, the district board may elect to disburse funds of the district. Such election shall be made by resolution of the board and the filing of a certified copy thereof with the treasurer. The treasurer shall thereupon and thereafter deliver to the district all funds of the district. Such funds shall be deposited by the board in a bank or banks approved for deposit of public funds and shall be withdrawn only by written order of the district board, signed by the president and secretary. The order shall specify the name of the payee, the fund from which it is to be paid and state generally the purpose for which payment is to be made. Such order shall be entered in the minutes of the board. The district board shall appoint a treasurer who shall be responsible for the deposit and withdrawal of funds of the district. The treasurer shall deposit with the district, prior to October 1st of each year, a surety bond in the annual amount fixed by the district board. The deposit and withdrawal of funds of the district shall thereafter be subject to the provisions of Article 2 (commencing at Section 53630), Chapter 4, Part 1, Division 2, Title 5, of the Government Code.

(Added by Stats. 1959, Ch. 160; amended by Stats. 1961, Ch. 710.)

Article 8. Claims

(Article 8 added by Stats. 1959, Ch. 1727)

6805. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727; amended by Stats. 1963, Ch. 1715. See note following Section 954.)

CHAPTER 8. REORGANIZATION

6810. A district organized under Chapter 161, Statutes of 1891, or under the Sanitary District Act of 1919 may be reorganized as a district under this part.

6811. To effect the reorganization a petition, signed by not less than 25 residents and freeholders within the district, and also by a majority of the members of the district board, shall be presented to the board of supervisors.

6812. The petition shall be verified by at least one of the petitioners in the manner prescribed by law for the verification of pleadings, and shall set forth the boundaries and name of the district and pray that it be reorganized under this part.

6813. The petition shall be published for at least two weeks preceding the hearing in a newspaper of general circulation published in the county, together with a notice stating the time when the petition will be presented to the board of supervisors, and that all persons interested may appear and be heard.

6814. At that time the board of supervisors shall hear the petition.

The board of supervisors shall not modify the boundaries of the district as set forth in the petition so as to exclude from the district any land which would be benefited by the reorganization of the district under this part, nor shall any lands which will not in the judgment of the board of supervisors be benefited by the reorganized district be included within the district.

6815. If the board of supervisors finds, upon the final hearing of the petition, that the statements therein are correct the board shall make an order approving the petition, describing the boundaries of the territory included within the district, and declaring that the territory is organized as a district under this part.

6816. From and after the making of the order of reorganization by the board of supervisors, the district is organized under this part with all the powers conferred by this part.

The persons in office at the time of the reorganization are entitled immediately to enter upon the duties of the like offices of the reorganized district and shall continue to serve until the election and qualification of their respective successors in accordance with this part.

6817. A district reorganized under this part is for all purposes the district previously existing.

6818. Reorganization shall not affect or impair the title to any property owned or held by or in trust for the district, or any debt, demand, liability, or obligation existing in favor of or against the district, or any proceeding then pending.

6819. Reorganization shall not operate to repeal or affect in any manner any ordinance previously passed or adopted and remaining unrepealed, or to discharge any person from any liability then existing for any violation of the ordinance. Proceedings commenced before reorganization shall, after reorganization, be conducted in accordance with this part.

6823. The district may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation, for the joint acquisition or construction or use of any sewer or sewers or other works or facilities for the handling, treatment or disposal of sewage or industrial waste from the district and such other area as may be designated in said contract, when in the judgment of the legislative body of said district it is for the best interests of the district so to do. Any such contract may provide for the construction and maintenance of such sewer or sewers, or such other works or facilities, and for the payment by or for the parties thereto of such proportionate part of the cost of the acquisition, construction or maintenance of such sewer or sewers or other works or facilities as may be stated in said contract, the payments to be made at such times and in such

amounts as may be provided by said contract. Any such contract may provide for the joint use of any sewer or sewers, works or facilities for the handling, treatment or disposal of sewage or industrial waste upon such terms and conditions as may be agreed upon by the parties thereto, and for the flowage, treatment or disposal of sewage or industrial waste from such area for each of the parties thereto as may be described in the contract.

Any district which has acquired or constructed or which proposes to acquire or construct, any sewer or sewers, or works or other facilities for the handling, treatment or disposal of sewage or industrial waste, may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation for the use of any such sewer or sewers, works or facilities by any such county, city and county, municipal corporation, district or other public corporation, or for the flowage, treatment or disposal of sewage or industrial waste from any area designated by such person, firm or corporation so contracting, upon such terms and conditions as may be provided in said contract.

(Added by Stats. 1949, Ch. 843.)

CHAPTER 8.5. DISTRICT REORGANIZED FROM COUNTY SANITATION DISTRICT

(Chapter 5 added by Stats. 1955, Ch. 1636)

6825. Any duty imposed by this part on any county officer shall be deemed imposed on the county officers of the respective counties in which is situated a sanitary district reorganized under Section 4857 of this code from a county sanitation district encompassing territory in more than one county; provided, that where appropriate, the board may select the officers of one county to perform such duties for the entire district.

(Added by Stats. 1955, Ch. 1636.)

CHAPTER 9. ANNEXATION

Article 1. Generally

6830. In the manner provided in this part, there may be annexed to a district any of the following territory which is in the same county as the district or which is within another county but in the natural watershed area of the district:

(a) Any territory contiguous to the district.

(b) Any territory any point of which touches any point of the district.

(c) Any territory separated from the district by a "separating barrier," which term includes a street, road, highway, railway line, railway crossing, railway right-of-way, water-course, lagoon, or other natural barrier.

(d) Any territory not contiguous to the district that will, in the opinion of the district board, be benefited by inclusion in the district.

Any territory specified in this section may consist of one or more separate parcels of land, but it is not necessary that all parcels shall constitute in the aggregate one tract of land.

(Amended by Stats. 1941, Ch. 5 and Ch. 225, by Stats. 1957, Ch. 1491, by Stats. 1959, Ch. 153, and by Stats. 1961, Ch. 1629.)

Article 2. Annexation by Election

6840. A petition signed by 25 percent of the freeholders residing in the territory proposed to be annexed as shown by the last equalized assessment roll of the county, shall be presented to the board; provided, however, that if the territory proposed to be annexed is included within a city, the petition may instead be signed and presented to the board by the legislative body of the city.

(Amended by Stats. 1961, Ch. 793.)

6841. The petition shall designate specifically the boundaries of the territory proposed to be annexed, and its assessed valuation as shown by the last equalized assessment roll; shall state that the territory is not within the limits of any other sanitary district; and shall ask that the territory be annexed to the district.

6842. The petition shall be accompanied by a bond in the sum of not less than one hundred dollars (\$100), to be approved by the board and filed with the secretary as security for the payment by the petitioners of the reasonable costs of the election on annexation, in the event that at the election less than a majority of the votes cast are in favor of annexation.

6843. The petition shall be verified by the affidavit of one of the petitioners.

6844. The petition shall be published pursuant to Section 6066 of the Government Code prior to the date of its hearing in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation published in the county, together with a notice stating the number of signers of the petition, the time when the petition will be presented to the board and that all persons interested may appear and be heard. It shall not be necessary to publish the names of the signers. If any territory proposed to be annexed to a district is located in a county other than a county in which the district is located, the same publication shall also be made in a newspaper of general circulation published in the county within which the territory is located.

(Amended by Stats. 1955, Ch. 697, by Stats. 1957, Ch. 357, and by Stats. 1961, Ch. 1629.)

6845. At the time specified for the hearing the board shall hear the petition and may adjourn the hearing from time to time.

6846. The board shall not modify the boundaries of the territory proposed to be annexed as set forth in the petition so as to exclude any land that would be benefited by the annexation of the territory to the district, nor shall any lands that will not be benefited by annexation to the district be included within the boundaries of the territory proposed to be annexed.

6847. Upon the final hearing of the petition the board, if it approves the petition as originally presented or in a modified form, shall make an order describing the exterior boundaries of the territory proposed to be annexed and ordering that an election be held for the purpose of determining whether or not the territory shall be annexed to the district.

6848. The order shall fix the day of the election, which shall be within 60 days from the date of the order, and shall show the boundaries of the territory proposed to be annexed to the district.

6849. This order shall be entered in the minutes and is conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was at the time of the signing and presentation of the petition qualified to sign.

6850. If a majority of the votes in the territory proposed to be annexed, at an election called therein by the district board for that purpose, are in favor of the annexation the secretary shall make and cause to be entered in the minutes and endorsed on the petition an order approving the petition, and the petition shall be transmitted to and filed with the board of supervisors.

(Amended by Stats. 1949, Ch. 977.)

6851. The entry is conclusive evidence of the fact and regularity of all prior proceedings of every kind required by law, and of the facts stated in the entry.

6852. The board of supervisors, at its next regular meeting after filing of the petition, shall by an order alter the boundaries of the district and annex to it the territory described in the petition.

6853. The order of the board of supervisors is conclusive evidence of the validity of all prior proceedings leading up to the annexation and recited in the order, and from and after the order the territory is a part of the district.

6854. If at the election less than a majority of the votes in the territory proposed to be annexed are in favor of the annexation of the territory to the district, the signers of the petition shall, within ten days after the canvassing of the votes of the election, pay to the board the reasonable cost of the election, and if not paid within ten days, the board may sue on the bond to recover the cost of the election.

(Amended by Stats. 1949, Ch. 977.)

6855. If the result of the election is against annexation the board shall, by order, disapprove the petition and enter the order in its minutes. No other proceedings shall be taken in

relation thereto until the expiration of one year from the presentation of the petition, except to collect the costs of the election.

Article 3. Annexation Without an Election

6870. Any territory specified in Section 6830 of this code may be annexed without an election in the following manner.

(Amended by Stats. 1941, Ch. 5.)

6871. A petition signed by the owners of real property in the territory proposed to be annexed, which real property represents at least 75 per cent of the total assessed valuation of the territory as shown by the last equalized county assessment roll shall be presented to the board.

6872. The petition shall designate specifically the boundaries of the territory and its assessed valuation as shown by the last equalized county assessment roll and shall show the amount of real property owned by each of the petitioners and its assessed valuation as shown by the last equalized county assessment roll.

6873. The petition shall state that the territory is not in any other sanitary district and shall ask that the territory be annexed to the district.

6874. The petition shall be verified by the affidavit of one of the petitioners.

6875. It shall be published at least two weeks preceding the hearing, in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation published in the county, except that if all of the owners of property in a proposed annexation have petitioned therefor, the publication shall contain a notice of the hearing of the petition only. If any territory proposed to be annexed to a district is located in a county other than a county in which the district is located, the same publication shall also be made in a newspaper of general circulation published in the county in which the territory is located.

(Amended by Stats. 1957, Ch. 1491, and by Stats. 1961, Ch. 1629.)

6876. With the petition there shall be published a notice stating the number of signers of the petition, the time when the petition will be presented to the board, and stating that all persons interested may appear and be heard. It shall not be necessary to publish the names of the signers.

(Amended by Stats. 1955, Ch. 697.)

6877. At the time designated the board shall hear the petition, and any person interested and may adjourn the hearing from time to time.

6878. Upon the hearing of the petition the board shall determine whether or not it is for the best interests of the district and the contiguous territory that the territory be annexed to the district and the board may modify the boundaries of the territory proposed to be annexed as set forth in the petition.

6879. However, the board shall not modify the boundaries of the territory proposed to be annexed as set forth in the petition so as to exclude any land that would be benefited by annexation, nor shall any land that would not be benefited by annexation, be included within the boundaries of the territory proposed to be annexed.

6879.5. If there is or has been presented to the board a petition containing the signatures of owners of real property in the territory proposed to be annexed, which real property represents at least 75 per cent of the total assessed valuation of the territory exclusive of any potential "separating barrier," as defined in Section 6830 of this code, the board may, in the manner specified in this article, proceed to publish the petition and notice of hearing and hear the petition. If, at the hearing, the board finds (a) that the territory described in the petition contains any potential "separating barrier," and (b) that such potential "separating barrier" would not be benefited by annexation and should be excluded from the territory to be annexed, the board shall modify the boundaries of the territory proposed to be annexed as set forth in the petition by excluding the "separating barrier."

(Added by Stats. 1941, Ch. 5.)

6880. If the board upon final hearing determines that it is for the best interests of the district and of the territory proposed to be annexed that the territory be annexed, it shall make an order describing the boundaries of the territory proposed to be annexed and shall present to the county board of supervisors a petition setting forth the proceedings theretofore taken for the annexation of the territory, the finding of the board, and requesting the board of supervisors to annex the territory to the district.

6881. The board of supervisors shall, at its next regular meeting, after the presentation of the petition, by an order alter the boundaries of the district and annex to it the territory described in the petition of the board and the territory is then a part of the district.

Article 4. Alternative Procedure for Annexation of Territory

(Article 4 added by Stats. 1947, Ch. 1196; heading amended by Stats. 1957, Ch. 1491)

6885. The procedures of this article are alternative to other procedures for the annexation of territory.

(Added by Stats. 1947, Ch. 1196; repealed and added by Stats. 1957, Ch. 1491.)

6885.1. A petition signed by the owners of real property in the territory proposed to be annexed, which real property represents at least 75 percent of the total assessed valuation of the territory as shown by the last equalized county assessment roll shall be presented to the board.

(Added by Stats. 1947, Ch. 1196.)

6885.2. The petition shall designate specifically the boundaries of the territory and its assessed valuation as shown by the last equalized county assessment roll and shall show the amount of real property owned by each of the petitioners and its assessed valuation as shown by the last equalized county assessment roll.

(Added by Stats. 1947, Ch. 1196.)

6885.3. The petition shall state that the territory is not in any other sanitary district and shall ask that the territory be annexed to the district.

(Added by Stats. 1947, Ch. 1196.)

6885.4. The petition shall be verified by the affidavit of one of the petitioners.

(Added by Stats. 1947, Ch. 1196.)

6885.5. If the board determines that it is for the best interests of the district and of the territory proposed to be annexed that the territory be annexed, it shall determine by order the terms and conditions upon which such annexation should be made. Provision may be made for payment by the territory to be annexed of the expenses of acquiring, constructing, and maintaining a sewer line connecting such territory with the district by incurring indebtedness, making a payment or payments, the payment of special taxes within the territory to be annexed in addition to taxes elsewhere in this division provided for, or by any combination of such methods.

(Added by Stats. 1947, Ch. 1196.)

6885.6. A hearing shall be had on the petition and the terms and conditions fixed by the board if any territory proposed to be annexed lies within a county other than that within which the district is located, the terms and conditions fixed by the board shall be approved by the board of supervisors of such other county prior to any order altering boundaries which includes such territory. The petition and the terms and conditions of annexation shall be published at least two weeks preceding the hearing, in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation published in the county. If any territory proposed to be annexed to a district is located in a county other than a county in which the district is located, the same publication shall also be made in a newspaper of general circulation published in the county in which the territory is located.

(Added by Stats. 1947, Ch. 1196; amended by Stats. 1961, Ch. 1629.)

6885.7. With the petition and the terms and conditions of the annexation there shall be published a notice stating the number of signers of the petition, the time and place at which the hearing on the proposed annexation will be held, and stating that all persons interested may appear and be heard. It shall not be necessary to publish the names of the signers.

(Added by Stats. 1947, Ch. 1196; amended by Stats. 1955, Ch. 697.)

6885.8. At the hearing, any person may file with the board written objections to the annexation or any portion thereof or to the terms and conditions proposed.

(Added by Stats. 1947, Ch. 1196; amended by Stats. 1959, Ch. 159.)

6885.9. Upon the hearing of the petition the board shall determine whether or not it is for the best interests of the district and the territory that the territory be annexed to the district and the board may modify the boundaries of the territory proposed to be annexed as set forth in the petition. Also upon the hearing the board shall determine whether or not the terms and conditions will be approved and shall hear and determine all objections thereto. Failure of any person interested in the district or in the matter of the proposed annexation on the terms and conditions fixed by the board to show cause in writing as aforesaid shall be deemed and taken as an assent on his part to a change in the boundaries of the district upon the terms and conditions set forth in the order of the board.

(Added by Stats. 1947, Ch. 1196; amended by Stats. 1961, Ch. 789.)

6885.10. The board shall not, however, modify the boundaries of the territory proposed to be annexed as set forth in the petition so as to exclude any land that would be benefited by annexation, nor shall any land that would not be benefited by annexation, be included within the boundaries of the territory proposed to be annexed.

(Added by Stats. 1961, Ch. 789.)

6886. Any hearing on the proposed annexation may be adjourned from time to time by the board, not exceeding 30 days in all, without further notice other than an order to be entered upon the minutes of the meeting fixing the time and place of adjournment.

(Added by Stats. 1947, Ch. 1196.)

6886.1. If no protests are filed or the protests filed are overruled and denied by the board the board shall thereupon make an order describing the boundaries of the territory proposed to be annexed and the terms and conditions of the annexation. The order shall be published in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation published in the county, and with such order shall be published a statement that written consents may be filed with the board by landowners in the territory proposed to be annexed, as provided in Section 6886.3.

(Added by Stats. 1947, Ch. 1196.)

6886.2. If protests against the proposed annexation are sustained, all proceedings shall be dismissed and no proceedings shall be undertaken again concerning the territory or any part thereof until after the expiration of one year.

(Added by Stats. 1947, Ch. 1196.)

6886.3. If within 30 days of the publication of the order of the board written consents to the proposed annexation upon the terms and conditions set forth in the order are filed with the board by owners of real property in the territory proposed to be annexed, which real property represents at least 75 percent of the total assessed valuation of the territory as shown by the last equalized county assessment roll, the board shall present to the board of supervisors a petition setting forth the proceedings theretofore taken for the annexation and requesting the board of supervisors to annex the territory to the district.

(Added by Stats. 1947, Ch. 1196.)

6886.4. The board of supervisors shall, at its next regular meeting, after the presentation of the petition, by an order alter the boundaries of the district and annex to it the territory described in the petition of the board and the territory is then a part of the district and subject to the terms and conditions of the annexation.

(Added by Stats. 1947, Ch. 1196.)

6887. Any territory annexed in accordance with law to a city, the boundaries of which are otherwise entirely included in the district, shall, upon the completion of such annexation proceedings, and adoption by the governing body of such city of a resolution ordering inclusion in the district, be deemed incorporated into and annexed to the district. Subject to the requirements of Sections 54900 to 54904, inclusive, of the Government Code, the annexed territory thereafter shall be subject to taxation, along with the entire territory of the district in accordance with the assessable valuation of the property thereof, for general district purposes and for the payment of any indebtedness theretofore or thereafter incurred by the district.

(Added by Stats. 1953, Ch. 1498.)

CHAPTER 9.5. CONSOLIDATION

(Chapter 9.5 added by Stats. 1943, Ch. 1015; title amended by Stats. 1961, Ch. 725.)

6890. Two or more sanitary districts in the same county may be consolidated as provided in this chapter, whether their boundaries are contiguous or not.

(Added by Stats. 1943, Ch. 1015; amended by Stats. 1955, Ch. 697.)

6891. Whenever a petition signed by 25 residents and freeholders in a district is presented to the board requesting that the district be consolidated with another district the board, after notice, shall hold a hearing on the question of such consolidation.

(Added by Stats. 1943, Ch. 1015; amended by Stats. 1955, Ch. 697.)

6891.5. The board shall give notice of such hearing by publication in at least one issue of a newspaper of general circulation printed and published in the district, or if no such newspaper

is printed and published therein in some newspaper circulated within the district.

(Added by Stats. 1943, Ch. 1015.)

6892. The notice shall specify the time and place of hearing and that the hearing shall be on the question of consolidation with the other district, which shall be designated by name or otherwise identified in the notice.

(Added by Stats. 1943, Ch. 1015.)

6892.5. At the time and place of hearing, as stated in the notice, the board shall hear the evidence for and against the proposal, and if the board determines that the consolidation would not be for the best interests of the district the proceedings shall terminate.

(Added by Stats. 1943, Ch. 1015.)

6893. If the boards of two districts each determine after such hearing that the consolidation of the districts would be for the best interests of the respective districts the boards shall in joint meeting declare their respective determinations and each shall either call a special election in its district at which the proposal for the consolidation of the districts shall be submitted to the voters of the district or shall make an order that thereafter the land within its district shall be and become a part of the consolidated district under such name as the boards shall jointly determine.

If each of the boards calls a special election in its district, and a majority of the voters voting at the election in either district vote against the consolidation the proceedings shall terminate. If, however, a majority of the voters voting at the election in each district vote in favor of the consolidation, the respective boards shall in joint meeting each make an order declaring that thereafter the land within its district shall be and become part of the consolidated district under such name as the boards may jointly determine.

Thereafter the consolidated district shall constitute a district under such name, and the joint boards shall present to the county board of supervisors a petition setting forth the proceedings theretofore taken for the consolidation of such districts and requesting the board of supervisors to cause to be entered in its minutes an order setting forth the name and boundaries of the consolidated district.

(Added by Stats. 1943, Ch. 1015; amended by Stats. 1955, Ch. 697, and by Stats. 1961, Ch. 725.)

6893.1. The board of supervisors at its next regular meeting after the presentation of the petition shall make and cause to be entered in its minutes an order that a consolidated district, of the name and with the boundaries stated in said petition setting forth the boundaries, has been established and, if the tax levy of said consolidated district is carried on the regular county assessment roll, shall file or cause to be filed with the assessor of the county and with the State Board of Equalization a statement of the creation of such consolidated district, setting

forth the legal description of the boundaries of the consolidated district, together with a map or plat indicating such boundaries, as provided by Sections 54900, 54901, and 54902 of the Government Code.

(Added by Stats. 1955, Ch. 697.)

6894. Upon the consolidation of such districts the consolidated district shall be governed by the joint boards until the next ensuing election at which election a new board for the consolidated district shall be elected and the terms of office of the members of each of the two boards shall terminate upon the taking of office by the new directors.

(Added by Stats. 1943, Ch. 1015.)

6894.5. If at the time of a consolidation there is outstanding any indebtedness of any former district included in the consolidated district, the indebtedness shall be paid in the manner provided for the payment of indebtedness upon a dissolution of a district.

(Added by Stats. 1943, Ch. 1015.)

6895. A consolidated district shall not be liable for any indebtedness of any former districts included in it which was outstanding at the time of consolidation.

(Added by Stats. 1943, Ch. 1015.)

6895.5. No property in the name of the former districts shall be taxed to pay any indebtedness of any other former district existing at the date of consolidation.

(Added by Stats. 1943, Ch. 1015.)

CHAPTER 10. DISSOLUTION

6900. A district may be dissolved upon the vote of two-thirds of its qualified electors, voting at an election called by the district board.

The election shall be called and conducted in the same manner as other elections of the district.

(Amended by Stats. 1939, Ch. 621.)

6901. If at the time of dissolution there is no unpaid bonded indebtedness, the whole or that portion of the property of the district lying within the limits of a city shall vest in the city subject to the conditions set forth in this article.

Any portion of the property of the district which is without the corporate limits of any city shall vest in the board of supervisors until incorporation of a city embracing the territory, at which time the property shall vest in the newly incorporated city.

(Amended by Stats. 1939, Ch. 621.)

6901.5. If at any time after dissolution the territory lying without the city is annexed to the city, or if thereafter a city is created or formed which embraces the territory lying without a city, then the property, as it then is, shall pass from the board of supervisors and shall vest in the original city or in the newly created city, as the case may be.

(Added by Stats. 1939, Ch. 621.)

6902. If at the time of the election to dissolve the district there is an outstanding bonded indebtedness of the district, the vote to dissolve the district shall dissolve it for all purposes except the levy and collection of taxes for the payment of the indebtedness and for the purpose of assessing, levying, and collecting taxes.

(Amended by Stats. 1939, Ch. 621.)

6903. From the time the district is dissolved, until its bonded indebtedness, with the interest, is paid, satisfied, and discharged, the governing body of the city, where the property of the district lies wholly within the limits of a city, and in all other cases the board of supervisors, is the ex officio board of the district.

6904. The ex officio boards shall levy such taxes and perform such other acts as are necessary for the payment of the indebtedness and the interest, and for such other costs and expenses incident to the assessing, levying and collection of such taxes.

(Amended by Stats. 1939, Ch. 621.)

6904.5. The governing body of any city acting as an ex officio board may enter into a contract pursuant to law with the county tax assessor to assess the property in the district, and with the county tax collector to collect the taxes thereon, and the money so collected shall at the usual times of settlement, be transmitted by the county tax collector to the treasurer of the city, and shall be used only for the purpose of paying, satisfying and discharging the outstanding bonds as far as possible, and the payment of the interest thereon, and the expenses of assessing and collecting the taxes.

(Added by Stats. 1939, Ch. 621.)

6904.6. If a city acquires the whole of the property of the district, or a part of the property, the city shall, at the expense of the city, maintain in proper condition such whole or part of the sewer system within the limits of the city.

(Added by Stats. 1939, Ch. 621.)

6905. The ex officio boards shall maintain the sewer system in proper condition and shall fulfill and compel fulfillment of all contracts made by the district for the right of connection made with property lying outside of the boundaries of the district.

6906. The ex officio boards shall maintain and protect all other rights acquired by the district.

6907. The ex officio boards shall not permit connection to be made with the system by any property outside of the boundaries of the district as they existed at the time of dissolution.

6907.5. If a county acquires the whole or any portion of the district, the board of supervisors shall likewise maintain the system acquired, and the expense thereof is a charge upon such area that lies without the limits of any city.

(Added by Stats. 1939, Ch. 621.)

CHAPTER 11. EXCLUSION OF PORTION OF DISTRICT

(Chapter 11 added by Stats. 1947, Ch. 453)

6910. When a portion of a district has been included within a city by annexation, incorporation, or otherwise the portion so included may be excluded from the district in the manner hereinafter set forth in this chapter, when all of the following conditions exist.

(a) The district has no bonded indebtedness.

(b) There are no other obligations of the district which the portion to be excluded should justly share.

(c) The exclusion will not interfere with the operation of the sewerage system in the balance of the district.

(d) The exclusion will not interfere with the economic feasibility of the development of the sewerage system in the district.

(Added by Stats. 1947, Ch. 453; amended by Stats. 1954 (Ex Sess.), Ch. 61, and by Stats. 1961, Ch. 822.)

6911. A petition signed by the owners of at least 25 percent of the real property in the portion to be excluded shall be presented to the board of supervisors of the county in which the district is located. Said petition shall contain the following:

(a) A specific description of the area to be excluded.

(b) A statement of facts showing that the conditions set forth in Section 6910 exist.

(c) A description of the property owned by each signer.

(d) A statement by the county assessor of said county that the petition appears to be signed by the owners of at least 25 percent of the real property in the area described in the petition.

(Added by Stats. 1947, Ch. 453.)

6912. Upon receipt of such a petition the board of supervisors shall set the same for hearing on a day not less than 20 days nor more than 35 days thereafter. The clerk of the board of supervisors shall cause a notice of the hearing, which shall contain a description of the property to be excluded, to be published once in a newspaper of general circulation published in the district if there is one, and if not, once in a newspaper of general circulation published in said county at least two weeks preceding the date of hearing.

(Added by Stats. 1947, Ch. 453.)

6913. At the time designated the board of supervisors shall hear the petition, and any person interested, and may adjourn the hearing from time to time. If the board of supervisors upon final hearing determines that the conditions set forth in Section

6910 do exist, it shall make an order excluding said portion, describing the same, from the district and, subject to Political Code Section 3720, said portion thereafter is no longer a portion of the district for any purpose except for collection of district taxes theretofore levied.

(Added by Stats. 1947, Ch. 453.)

6914. Written notice of said proposed hearing shall be mailed by the county clerk to the secretary of the sanitary district. The sanitary board of said district shall report in writing to the board of supervisors as to the extent of such indebtedness and obligations and the effect of such exclusion on the operation of its sewerage system, and said board of supervisors may grant such exclusion after said sanitary board has consented thereto by resolution.

(Added by Stats. 1947, Ch. 1375.)

6915. (a) If said territory shall be subject to any voted bonds or special assessments or assessment bonds issued or levied by the district or any annexed area thereof, for the cost of acquiring or constructing any sanitary sewerage facilities within or for said territory, said legislative bodies may, in said resolutions or agreement, provide that said territory shall be and remain subject to taxes and assessments therefor. In such event said territory shall not become subject to taxes by said city for the cost of similar facilities acquired or constructed by the city for other than said territory.

(b) If any territory so indebted shall have assumed any indebtedness of the city for the cost of acquiring or constructing facility for other than said territory, then said legislative bodies shall provide, in said resolutions or agreement, that (1) said territory shall no longer be taxed by said city for said bonds of the city, or (2) that said territory shall no longer be taxed by said district for bonds of said district, or (3) said city shall agree to semiannually pay into the bond interest and redemption fund of said district an amount which would be levied and collected from said territory, in lieu of such tax or assessment within said territory.

(c) If said territory must continue to be serviced by facilities of the city, for the use or cost of which the district is required to pay the city any annual or other sum based on sewage flow or population growth of said district, the agreement therefor shall be so modified as to eliminate any inequality which may result from double taxation. This may be by either agreement on the boundaries of the area to be assessed or taxed therefor or by refund by the city to the district or both.

(d) When the city and the district have finally agreed as to the conditions upon which said territory shall be withdrawn from said district, three executed copies of said resolutions or agreement shall be filed with the county clerk, who shall give notice of a hearing thereon not less than 10 nor more than 30

days prior to said hearing, by publishing a notice thereof pursuant to Section 6066 of the Government Code in said territory. Said notice shall describe the territory, and briefly describe the conditions agreed upon and give notice of the time and place of said hearing.

(e) After the board of supervisors has fully heard and considered said matter and all persons interested therein, and, if it shall find that said agreement is fair and equitable, it shall adopt a resolution ordering said exclusion. The conditions agreed upon shall be contained therein. If it shall find that said terms are not fair and equitable, it shall refer said matter to said legislative bodies who shall redetermine said matter as in the first instance and their determination shall again be heard by the board of supervisors as in the first instance.

(f) Either the city or the district may request the other to agree upon the terms and conditions upon which said territory shall be withdrawn and excluded from said district. If the city and the district are unable to agree on such terms and conditions within three months thereafter, the city or district, whichever has requested such agreement, may bring an action in the superior court of the county in which said territory proposed to be excluded is situated against the other political corporation to have such terms and conditions determined. In such action, the superior court shall determine and adjudicate the terms and conditions upon which said territory shall be withdrawn and excluded from said district, and upon the making of the final judgment in such action, said territory shall be ordered excluded from said sanitary district upon the terms and conditions of said judgment, and said order shall be final.

(g) When said exclusions have been ordered, certified copies of said resolution, together with certified copies of the resolutions of the city and district, shall be filed by the county clerk in the records of said city and of said district, with the county assessor and county auditor and with the State Board of Equalization, and said territory shall be subject to taxation as therein provided from and after February 1st following the filing of same.

(h) The maps and descriptions accompanying the notice of exclusion required to be filed under Sections 54900 to 54903, inclusive, of the Government Code shall clearly show the boundaries of the several taxing areas resulting from the agreement.

(Added by Stats. 1949, Ch. 801; amended by Stats. 1953, Ch. 341, and by Stats. 1957, Ch. 357.)

6916. No agreement, order or judgment shall be made under Section 6915 which shall relieve any territory of any bonded indebtedness of the district or of any annexed territory thereof to such an extent as to cause the remaining outstanding bonded indebtedness of the district or of such annexed ter-

ritory to be in excess of 15 percent of the total assessed valuation of all taxable property remaining within such district or within such annexed area so affected.

(Added by Stats. 1953, Ch. 1568.)

6917. This section provides an alternative procedure for the exclusion of any portion of territory within a district. Any portion of a district which is not substantially and directly benefited by being in the district, or by its continued inclusion therein, may be excluded from the district if the exclusion will not interfere with the economic feasibility of the development of the sewage system in the district by order of the district board upon receipt of the verified petition of the owners in fee of land within that portion of the district, which has an assessed value with improvements in excess of one-half of the assessed value of all the privately owned land and improvements in the portion of the district proposed to be excluded.

(Added by Stats. 1954 (Ex. Sess.), Ch. 61; amended by Stats. 1957, Ch. 1491, and by Stats. 1961, Ch. 822.)

6918. The petition shall designate specifically the boundaries of the territory proposed to be excluded and its assessed valuation and the assessed valuation of the real property owned by each petitioner as shown by the last equalized assessment roll and shall ask that the territory be excluded from the district.

(Added by Stats. 1957, Ch. 1491.)

6919. Notice of receipt of the petition shall be mailed to each property owner in the territory proposed to be excluded, as such property owners appear in the last equalized assessment roll.

(Added by Stats. 1957, Ch. 1491.)

6920. Notice of the hearing on the petition shall be given in the manner prescribed in Section 6912.

(Added by Stats. 1959, Ch. 187.)

6921. If upon the hearing, the district board determines that it is for the best interests of the district that all or any part of the portion of the district proposed to be excluded be excluded from the district, or if it determines that all or part of such portion will not be benefited by continued inclusion in the district, and that the exclusion will not interfere with the economic feasibility of the development of the sewage system in the district, the district board shall make its order describing the boundaries of the territory proposed to be excluded and shall present to the county board of supervisors a petition setting forth a description of the territory and the findings of the board and requesting the board of supervisors to exclude the territory from the district.

(Added by Stats. 1957, Ch. 1491; amended by Stats. 1961, Ch. 822.)

6922. The board of supervisors shall, at its next regular meeting, after the presentation of the petition, by an order, alter the boundaries of the district and exclude from it the

territory described in the petition of the board, and the territory shall then be excluded from the district.

(Added by Stats. 1957, Ch. 1491.)

6923. In the event the district board should deny the petition for exclusion, the petitioners therefor may, within 90 days after the order of the district board denying exclusion, appeal such denial to the board of supervisors. The board of supervisors shall thereupon give notice in writing to the district board of receipt of such appeal and the date of a hearing thereon. At such hearing the board of supervisors shall determine if all or part of such portion sought to be excluded will not be benefited by continued inclusion in the district. If it shall so determine and if it shall determine that the exclusion will not interfere with the economic feasibility of the development of the sewage system in the district, the board of supervisors shall make its order describing the boundaries of the territory to be excluded and said territory shall then be excluded from the district.

(Added by Stats. 1957, Ch. 1491; amended by Stats. 1961, Ch. 822.)

6924. Any portion of a district, which is excluded from the district shall, nevertheless, be subject to taxation and be otherwise chargeable for the payment and discharge of all of the obligations of the district outstanding at the time of the filing of the petition for exclusion of the area, as fully as though that portion of the district had not been withdrawn.

(Added by Stats. 1957, Ch. 1491.)

PART 2. OTHER SANITARY DISTRICT ACTS

(Part 2 added by Stats. 1941, Ch. 990. See note at beginning of division)

CHAPTER 1. GENERAL

(Chapter 1 added by Stats. 1941, Ch. 990)

6935. No right or obligation accrued by the formation, organization, reorganization or operation of a sanitary district pursuant to the provisions of Chapter 161 of the Statutes of 1891 or the provisions of the Sanitary District Act of 1919 is affected by the repeal of those acts and any district so organized or reorganized may continue in existence and subject to the act under which it was organized or reorganized or may reorganize pursuant to this part.

(Added by Stats. 1941, Ch. 990.)

CHAPTER 2. USE OF COUNTY ASSESSOR'S ROLL

(Chapter 2 added by Stats. 1941, Ch. 990)

6940. Notwithstanding the provisions of Chapter 161 of the Statutes of 1891, or the provisions of the Sanitary District Act of 1919, as the provisions of these acts existed at the time of their repeal, the board of any sanitary district organized or

reorganized under and continuing in existence and subject to these acts may elect to avail itself of the assessment roll of the properties within the district, used by the county in which the district is situated, and may take that assessment as the basis for district taxation.

(Added by Stats. 1941, Ch. 990.)

6940.3. The board shall declare its election by resolution and shall file a certified copy with the auditor and the assessor of the county on or before the first Monday in February of the year in which the district proposes to use the county assessment roll.

Thereafter, until the board by resolution elects otherwise all taxes shall be collected by the county assessor and tax collector of the county.

(Added by Stats. 1941, Ch. 990.)

6940.6. Following the board's election, the county auditor shall on or about the third Monday in August of each year transmit to the board a written statement showing the total value of all property in the district, which value shall be ascertained from the assessment roll used by the county for that year.

(Added by Stats. 1941, Ch. 990; amended by Stats. 1963, Ch. 426.)

6940.9. Before the first day of September the district board shall fix the rate of taxation for district purposes and for the payment of the principal and interest of that year upon outstanding bonds and the payment of the principal and interest that the board believes will become due during the year on bonds authorized but not sold.

(Added by Stats. 1941, Ch. 990; amended by Stats. 1963, Ch. 426.)

6941.3. The board shall designate the number of cents on each one hundred dollars (\$100) to be levied for each fund and the fund into which the proceeds shall be paid, using as a basis the value of property as assessed on the county roll.

The district board shall immediately transmit to the auditor of the county in which the district is situated a statement of the tax rate fixed.

(Added by Stats. 1941, Ch. 990.)

6941.6. The county auditor shall compute and enter in the county assessment roll the respective sums to be paid as a district tax on the property in the district, using the rate of levy as fixed by the board and the assessed value as found on the assessment roll.

The taxes so levied shall be collected at the same time and in the same manner as county taxes are collected, and when collected shall be at once paid to the treasurer.

(Added by Stats. 1941, Ch. 990; amended by Stats. 1963, Ch. 426.)

6941.9. The taxes are a lien on all the property in the district, and the taxes, whether for the payment of a bonded indebtedness, or for other purposes, shall be of the same force

and effect as other liens for taxes, and their collection shall be enforced by the same means as provided for the enforcement of liens for county taxes.

(Added by Stats. 1941, Ch. 990.)

DIVISION 7. DEAD BODIES

PART 1. GENERAL PROVISIONS

CHAPTER 1. DEFINITIONS

7000. The definitions in this chapter apply to this division and to Divisions 8 and 9 of this code.

7001. "Human remains" or "remains" means the body of a deceased person, and includes the body in any stage of decomposition and cremated remains.

7002. "Cremated remains" means human remains after incineration in a crematory.

7003. "Cemetery" means any one, or a combination of more than one, of the following, in a place used, or intended to be used, and dedicated, for cemetery purposes:

(a) A burial park, for earth interments.

(b) A mausoleum, for crypt or vault interments.

(c) A crematory, or a crematory and columbarium, for cinerary interments.

7004. "Burial park" means a tract of land for the burial of human remains in the ground, used or intended to be used, and dedicated, for cemetery purposes.

7005. Except in Part 5 of Division 8 of this code, "mausoleum" means a structure or building for the entombment of human remains in crypts or vaults in a place used, or intended to be used, and dedicated, for cemetery purposes.

7006. "Crematory" means a building or structure containing one or more furnaces for the reduction of bodies of deceased persons to cremated remains.

7007. Except in Part 5 of Division 8 of this code, "columbarium" means a structure, room, or other space in a building or structure containing niches for inurnment of cremated human remains in a place used, or intended to be used, and dedicated, for cemetery purposes.

7008. "Crematory and columbarium" means a building or structure containing both a crematory and columbarium.

7009. "Interment" means the disposition of human remains by cremation, inurnment, entombment, or burial.

(Amended by Stats. 1939, Ch. 339.)

7010. "Cremation" means the reduction of the body of a deceased person to cremated remains in a crematory and the placement of the cremated remains in a grave, vault, or niche.

7011. "Inurnment" means placing cremated remains in an urn and placing it in a niche.

7012. "Entombment" means the placement of human remains in a crypt or vault.

7013. "Burial" means the placement of human remains in a grave.

(Amended by Stats. 1939, Ch. 339.)

7014. "Grave" means a space of ground in a burial park, used, or intended to be used, for burial.

7015. "Crypt" or "vault" means a space in a mausoleum of sufficient size, used or intended to be used, to entomb uncremated human remains.

7016. "Niche" means a space in a columbarium used, or intended to be used, for inurnment of cremated human remains.

7017. "Temporary receiving vault" means a vault used or intended to be used for the temporary placement of human remains.

7018. "Cemetery authority" includes cemetery association, corporation sole, or other person owning or controlling cemetery lands or property.

(Amended by Stats. 1939, Ch. 339.)

7019. "Cemetery corporation," "cemetery association," or "cemetery corporation or association," mean any corporation now or hereafter organized which is or may be authorized by its articles to conduct any one or more or all of the businesses of a cemetery, but do not mean or include a corporation sole.

7020. "Cemetery business," "cemetery businesses," and "cemetery purposes" are used interchangeably and mean any and all business and purposes requisite to, necessary for, or incident to, establishing, maintaining, operating, improving, or conducting a cemetery, interring human remains, and the care, preservation, and embellishment of cemetery property, including, but not limited to, any activity or business designed for the benefit, service, convenience, education, or spiritual uplift of property owners or persons visiting the cemetery.

(Amended by Stats. 1955, Ch. 595.)

7021. "Directors" or "governing body" means the board of directors, board of trustees, or other governing body of a cemetery association.

7022. "Lot," "plot," or "interment plot" means space in a cemetery, used or intended to be used for the interment of human remains. Such terms include and apply to one or more than one adjoining graves, one or more than one adjoining crypts or vaults, or one or more than one adjoining niches.

7023. "Plot owner," "owner," or "lot proprietor," means any person in whose name an interment plot stands of record as owner, in the office of a cemetery authority.

(Amended by Stats. 1939, Ch. 339.)

7024. "Permit for Disposition of Human Remains" includes "burial permit" and is a permit, issued pursuant to law, for the interment, disinterment, removal, reinterment or transportation of human remains.

(Amended by Stats. 1957, Ch. 363.)

CHAPTER 2. GENERAL PROVISIONS

7050. (Amended by Stats. 1939, Ch. 339; repealed by Stats. 1957, Ch. 363. See second note at beginning of Division 9, commencing Section 10000.)

7051. Every person who removes any part of any human remains from any place where it has been interred, or from any place where it is deposited while awaiting interment, with intent to sell it or to dissect it, without authority of law, or from malice or wantonness, is punishable by imprisonment in the State prison for not more than five years.

7052. Every person who mutilates, disinters, or removes from the place of interment any human remains without authority of law, is guilty of felony. This section does not apply to any person who removes the remains of a relative or friend for reinterment.

7053. Every person who arrests, attaches, detains, or claims to detain any human remains for any debt or demand, or upon any pretended lien or charge, or fails to release any human remains forthwith upon the delivery of authorization for such release signed by the next of kin or by any person entitled to the custody of such remains, is guilty of a misdemeanor.

(Amended by Stats. 1953, Ch. 1037.)

7054. Every person who deposits or disposes of any human remains, in any place within the corporate limits of any city, or city and county, except in a cemetery, is guilty of a misdemeanor.

(Amended by Stats. 1939, Ch. 339.)

7055. Every person, who for himself or for another person, inters or incinerates a body or permits the same to be done, or removes any remains, from the primary registration district in which the death or incineration occurred or the body was found, except a removal by a funeral director in a funeral directors' conveyance from that registration district to another registration district in the same or another county, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or removes interred human remains from the cemetery in which the interment occurred; or removes cremated remains from the premises on which the cremation occurred without the authority of a removal permit is guilty of a misdemeanor and punishable as follows: (a) for the first offense by a fine of not less than ten dollars (\$10) nor more than five hundred dollars (\$500), (b) for each subsequent offense by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or imprisonment in the county jail for not more than 60 days, or by both.

(Amended by Stats. 1939, Ch. 541, and by Stats. 1941, Ch. 181.)

CHAPTER 3. CUSTODY, AND DUTY OF INTERMENT

7100. The right to control the disposition of the remains of a deceased person, unless other directions have been given by the decedent, vests in, and the duty of interment and the liability for the reasonable cost of interment of such remains devolves upon the following in the order named:

- (a) The surviving spouse.
- (b) The surviving child or children of the decedent.
- (c) The surviving parent or parents of the decedent.
- (d) The person or persons respectively in the next degrees of kindred in the order named by the laws of California as entitled to succeed to the estate of the decedent.

The liability for the reasonable cost of interment devolves jointly and severally upon all kin of the decedent in the same degree of kindred and upon the estate of the decedent.

A decedent, prior to his death, may direct the preparation for, type or place of interment of his remains, either by oral or written instructions. If such instructions are in a will or other written instrument, he may direct that the whole or any part of his remains be given to a teaching institution, university, college, legally licensed hospital, or to the State Director of Public Health, or to or for the use of any nonprofit blood bank, artery bank, eye bank, or other therapeutic service operated by any agency approved by the Director of Public Health under rules and regulations established by the director. The person or persons otherwise entitled to control the disposition of the remains under the provisions of this section shall faithfully carry out the directions of the decedent subject only to the provisions of this chapter with respect to the duties of the coroner.

If such instructions are contained in a will, they shall be immediately carried out, regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate until a later date.

This section shall be administered and construed to the end that such expressed instructions of any person shall be faithfully and promptly performed.

A funeral director or cemetery authority shall not be liable to any person or persons for carrying out such instructions of the decedent.

(Amended by Stats. 1947, Ch. 125, and by Stats. 1957, Ch. 933.)

7101. When any decedent leaves an estate in this State, the reasonable cost of interment and an interment plot of sufficient size to constitute a family plot and memorial including reasonable sums for either, or both, general and special endowment care of the plot proportionate to the value of the estate and in keeping with the standard of living adopted by the decedent prior to his demise, together with interest thereon from the date of interment, shall be considered as a part of the funeral ex-

penses of the decedent and shall be paid as a preferred charge against his estate as provided in the Probate Code.

If a claim for an interment plot or memorial is rejected the burden of proving that the cost of the interment plot or memorial is disproportionate to the value of the estate and the standard of living adopted by the decedent while living shall be upon the executor or administrator rejecting the claim. This chapter does not prohibit any relative or friend of a decedent from assuming the duty or paying the expense of interment.

(Amended by Stats. 1939, Ch. 339, and by Stats. 1951, Ch. 176.)

7102. When a person is charged by law with the duty of interment he is entitled to the custody of the remains for the purpose of interment; except that in any case where a coroner is required by law to investigate the cause of death, the coroner is entitled to the custody of the remains of the person whose death is the subject of investigation until the conclusion of the autopsy or medical investigation by the coroner. Any person in whose possession such remains are found, shall, upon demand by the coroner, surrender such remains to him.

7103. Every person, upon whom the duty of interment is imposed by law, who omits to perform that duty within a reasonable time is guilty of a misdemeanor. In addition, he is liable to pay to the person performing the duty in his stead treble the expenses incurred by the latter in making the interment, to be recovered in a civil action.

7104. When no provision is made by the decedent, or where the estate is insufficient to provide for interment and the duty of interment does not devolve upon any other person residing in the State or if such person can not after reasonable diligence be found within the State the person who has custody of such remains may require the coroner of the county where the decedent resided at time of death to take possession of such remains and he shall inter the same in the manner provided for the interment of indigent dead.

(Amended by Stats. 1939, Ch. 339.)

7105. If the person vested with the duty of interment fails, refuses or neglects within a reasonable time after death of the decedent to make such interment, a cemetery authority having possession of the remains, or any relative of the decedent, may file a petition in the superior court in the county in which the decedent resided at the time of his death, or in which the remains are located, naming as defendant the person vested with the duty of interment and seeking an order of the court directing the defendant to make interment of the remains.

If no person residing in the State vested with the duty of making interment is known to the petitioner, or if such person after reasonable diligence can not be found within the State,

and that fact appears from the petition, the petitioner may make the coroner of the county in which the petition is filed the party defendant.

(Amended by Stats. 1939, Ch. 339.)

7106. A cemetery authority may seek an order providing for the interment of the remains of one or more decedents. Where a proceeding is commenced involving the remains of more than one decedent the allegations of the petition shall separately state the facts as to each, and the court may make a separate order as to each.

7107. Notice of the time and place of the hearing on the petition shall be given as the court may direct. Upon the hearing the court shall make its order providing for the interment of the remains in such manner, at such time, and at such place as the court may determine to be just and proper, and for the best interests of the public health.

7108. If the coroner is directed to make such interment he shall make it in the manner provided by law for the interment of the indigent dead.

(Amended by Stats. 1939, Ch. 339.)

7109. The court shall allow costs and reasonable attorney's fees against all defendants, other than the coroner.

7110. Any person signing any authorization for the interment of any remains warrants the truthfulness of any fact set forth in the authorization, the identity of the person whose remains are sought to be interred, and his authority to order interment. He is personally liable for all damage occasioned by or resulting from breach of such warranty.

7111. A cemetery authority may make an interment of any remains upon the receipt of a written authorization of a person representing himself to be any of the following:

(a) The surviving spouse.

(b) A surviving child or parent.

(c) The next of kin.

(d) A person who has acquired the right to control the disposition of the remains.

A cemetery authority is not liable for cremating or making an interment pursuant to such authorization, unless it has actual notice that such representation is untrue.

7112. No action shall lie against any cemetery authority relating to the cremated remains of any person which have been left in its possession for a period of five years, unless a written contract has been entered into with the cemetery authority for their care or unless permanent interment has been made.

Nothing in this section shall be construed as an extension of the existing statute prescribing the period within which an action based upon a tort must be commenced. No licensed funeral director shall be liable in damages for any cremated

human remains after the remains have been deposited with a cemetery in the State of California.

(Amended by Stats. 1939, Ch. 458.)

7113. A cemetery authority or licensed funeral director or a licensed hospital or its authorized personnel may permit or assist, and a physician may perform, an autopsy of any remains in its or his custody if the decedent, prior to his death, authorizes an autopsy in his will or other written instrument, or upon the receipt of a written authorization from a person representing himself to be any of the following:

(a) The surviving spouse; (b) a surviving child or parent; (c) a surviving brother or sister; (d) any other kin or person who has acquired the right to control the disposition of the remains; (e) a public administrator; (f) a coroner or any other duly authorized public officer. A cemetery authority or a licensed funeral director or a licensed hospital or its authorized personnel is not liable for permitting or assisting, and a physician is not liable for performing, an autopsy pursuant to such authorization unless he or it has actual notice that such representation is untrue at the time the autopsy is performed. If such authorization is contained in a will, the autopsy may be performed regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate until a later date.

(Added by Stats. 1947, Ch. 1293; amended by Stats. 1955, Ch. 1334 and by Stats. 1963, Ch. 424.)

7114. Any person who performs, permits or assists at, an autopsy on a dead body without having first obtained (a) the authorization of the deceased in writing, including, but not limited to, the last will of the deceased; or (b) the authorization in writing of the person designated by Section 7100 of this code as having the right to control the disposition of the remains of the deceased; or (c) in the case of a cemetery authority or a licensed funeral director or a licensed hospital or its agents or a physician, the written authorization described in Section 7113 of this code, is guilty of a misdemeanor, except that this section shall not be applicable to the performance of an autopsy by the coroner or other officer authorized by law to perform autopsies.

(Added by Stats. 1949, Ch. 765; amended by Stats. 1955, Ch. 1334.)

7115. The written authorization for any autopsy given pursuant to Section 7113 of this code may permit the person performing the autopsy to remove any structure or organ from the remains for therapeutic or scientific uses. Pursuant to any such written authorization, any structure or organ may be given to the Director of Public Health, or to any other therapeutic service operated by any agency approved by the Director of Public Health including, but not limited to, a teaching institution, university, college, legally licensed hospital, nonprofit blood bank, nonprofit artery bank, or a nonprofit eye bank. The person performing the autopsy shall not exceed the

removal permission contained in such written authorization, and the remains shall not be mutilated nor shall any portion thereof be removed for purposes other than those herein expressly permitted.

Nothing in this section shall permit a coroner or other duly authorized public official to remove any structure or organ if the coroner or official has actual knowledge of a protest by any member of the classes described in subdivisions (a) through (d) of Section 7113 prior to the time of such removal.

This section shall not apply to the remains of any deceased if, prior to the autopsy, it is made known to the coroner or other duly authorized public official that the deceased at the time of his death was a member of a religion, church, sect, or denomination which relies solely upon prayer for the healing of disease.

(Added by Stats. 1957, Ch. 933.)

7116. A coroner or a physician performing an autopsy pursuant to authority granted under Sections 7113 and 7115 of this code, who in good faith and as so authorized removes any structure or organ from the remains for therapeutic or scientific uses, shall not be liable in any civil action arising out of his reliance on the terms of the written authorization to perform an autopsy.

(Added by Stats. 1959, Ch. 697.)

CHAPTER 4. DISPOSAL OF UNCLAIMED DEAD

7200. Every head of a public institution, city or county undertaker, or State, county, or city officer having charge or control of remains to be interred at public expense, shall use due diligence to notify the relatives of the decedent. In the absence of any known relative of decedent desiring to direct the disposition of the remains in a manner other than in this chapter provided, and upon written request of the State department that such notices are required for a definite period specified in the request, such officer shall notify the State department by telegraph collect, immediately after the lapse of 24 hours after death, stating, whenever possible the name, age, sex, and cause of death of the decedent.

7201. The person in charge of a public institution in which the decedent was an inmate shall transmit upon request, to the state department or to any person designated by it, a brief medical history of the unclaimed dead for purpose of identification and permanent record, which records shall be open to inspection by any State or county official or prosecuting attorney.

7202. The unclaimed dead retained by the State department for scientific or educational purposes shall be embalmed and disposed of in accordance with the instructions of the State department. Such unclaimed dead shall be held for a period of 30 days by those to whom they may have been assigned for scientific or educational purposes, subject to claim and identification by any authenticated relative of the decedent

for purpose of interment or other disposition in accordance with the directions of such relative.

7203. The bodies of the unclaimed dead retained by the State department shall be used solely for the purpose of instruction and study in the promotion of medical, chiropractic, and embalming education and science within the State.

7204. All persons receiving unclaimed dead for educational purposes shall bear all reasonable expense incurred in the preservation and transportation of the dead and shall keep a permanent record of bodies received, giving the identification number, the name, age, sex, nationality, and race, if possible, together with the place of last residence of the decedent and the source and disposition, with dates, of the body.

7205. It is unlawful for any person, unless specifically authorized by law, to hold a post mortem examination of any unclaimed dead without the express permission of the State department.

7206. Any person authorized by law to perform post mortem examinations shall permit, with the consent of relatives, or in the absence of such relatives, with the consent of the State department, any representative of the anatomical or pathological departments of an incorporated medical, chiropractic, or osteopathic school or college to obtain at the time of the necropsy, such material in a recent state as may be needed for scientific purposes, if the material is not required for the legal purposes of the State.

7207. Whenever, through the failure of any person to notify the State department, or promptly to deliver the body of a deceased indigent as required by the State department, such body becomes unfit for scientific or educational purposes, the State department shall so certify and the remains shall be interred at the expense of those guilty of such noncompliance.

7208. Every person who unlawfully disposes, uses, or sells the body of an unclaimed dead person, or who violates any provision of this chapter is guilty of a misdemeanor.

CHAPTER 5. EMBALMING AND TRANSPORTATION

Article 1. Embalming

7300. No person shall embalm the body of any person who has died from an unknown cause, except with the permission of the coroner.

(Amended by Stats. 1939, Ch. 126, and by Stats. 1951, Ch. 560.)

7301. No embalmer shall embalm a dead human body when he has information reasonably indicating crime in connection with the death until permission of the coroner, or a justice of the peace, if there is no coroner, has been obtained.

7302. Every funeral director and embalmer shall immediately report to the local health officer every contagious case on which the funeral director or embalmer may be called.

7303. (Amended by Stats. 1939, Ch. 126; repealed by Stats. 1953, Ch. 1037.)

Article 2. Transportation

7350. (Amended by Stats. 1941, Ch. 181; repealed by Stats. 1953, Ch. 1037.)

7351. (Repealed by Stats. 1953, Ch. 1037.)

7352. (Amended by Stats. 1939, Ch. 126; repealed by Stats. 1953, Ch. 1037.)

7353. (Amended by Stats. 1939, Ch. 126; repealed by Stats. 1953, Ch. 1037.)

7354. (Amended by Stats. 1939, Ch. 126; repealed by Stats. 1953, Ch. 1037.)

7355. The bodies of persons who have died from any cause shall not be received for transportation by a common carrier unless the body has been embalmed and prepared by a licensed embalmer and placed in a sound casket and enclosed in a transportation case.

(Amended by Stats. 1939, Ch. 126, by Stats. 1941, Ch. 181, and by Stats. 1953, Ch. 1037.)

Chapter 6. (Chapter heading repealed by Stats. 1955, Ch. 94)

7400. (Repealed by Stats. 1955, Ch. 94.)

7401. (Amended and renumbered 10476 by Stats. 1955, Ch. 94.)

7402. (Amended by Stats. 1941, Ch. 181; amended and renumbered 10480 by Stats. 1955, Ch. 94.)

7403. (Repealed by Stats. 1939, Ch. 101.)

7404. (Amended by Stats. 1939, Ch. 101; repealed by Stats. 1955, Ch. 94.)

7405. (Amended by Stats. 1945, Ch. 1057, and by Stats. 1951, Ch. 117; amended and renumbered 10479 by Stats. 1955, Ch. 94.)

7406. (Amended by Stats. 1941, Ch. 181, and by Stats. 1949, Ch. 268; amended and renumbered 10474 by Stats. 1955, Ch. 94.)

7407. (Amended by Stats. 1941, Ch. 181; amended and renumbered 10481 by Stats. 1955, Ch. 94.)

7408. (Amended by Stats. 1939, Ch. 339; repealed by Stats. 1941, Ch. 181.)

7409. (Repealed by Stats. 1941, Ch. 181.)

7410. (Repealed by Stats. 1955, Ch. 94.)

7411. (Amended and renumbered 10478 by Stats. 1955, Ch. 94.)

7412. (Added by Stats. 1939, Ch. 642; amended and renumbered 10482 by Stats. 1955, Ch. 94.)

7413. (Added by Stats. 1945, Ch. 1057; repealed by Stats. 1951, Ch. 117.)

PART 2. DISINTERMENT AND REMOVAL

CHAPTER 1. GENERAL PROVISIONS

Article 1. Permits

7500. No remains of any deceased person shall be removed from any cemetery, except upon written order of the health department having jurisdiction, or of the superior court of the county in which such cemetery is situated. A duplicate copy of the order shall be maintained as a part of the records of the cemetery. Any person who removes any remains from any cemetery shall keep and maintain a true and correct record showing:

(a) The date such remains were removed.

(b) The name and age of the person removed, when these particulars can be conveniently obtained and the place to which the remains were removed.

(c) The cemetery and the plot therein in which such remains were buried.

If the remains are disposed of other than by interment, a record shall be made and kept of such disposition. The person making the removal shall deliver to the cemetery authority operating the cemetery from which the remains were removed, a true, full and complete copy of such record.

7501. A cemetery authority shall not remove or permit the removal of any interred remains, unless a permit for the removal has been issued by the local registrar of the district in which the premises are located, and delivered to the cemetery authority. Any person entitled by law to remove any remains may apply to the local registrar for a permit to remove them. The local registrar shall issue a permit, which in all cases shall specify the name of a cemetery where the remains shall be interred, and shall retain a copy.

(Amended by Stats. 1941, Ch. 181, and by Stats. 1955, Ch. 94.)

7502. In the disinterment, transportation and removal of human remains under Chapter 4 of this part a cemetery authority need not obtain a separate permit for the disinterment, transportation or removal of the remains of each person, but disinterment, transportation and removal of human remains shall be made subject to reasonable rules and regulations relative to the manner of disinterring, transporting or removing such remains as may be adopted by the board of health or health officer of the city or county in which the cemetery lands are situated.

Article 2. Consent to Removal

7525. The remains of a deceased person may be removed from a plot in a cemetery with the consent of the cemetery authority and the written consent of one of the following in the order named:

(a) The surviving spouse.

- (b) The surviving children.
- (c) The surviving parents.
- (d) The surviving brothers or sisters.

7526. If the required consent can not be obtained, permission by the superior court of the county where the cemetery is situated is sufficient.

7527. Notice of application to the court for such permission shall be given, at least 10 days prior thereto, personally, or at least 15 days prior thereto if by mail, to the cemetery authority and to the persons not consenting, and to every other person or association on whom service of notice may be required by the court.

7528. This article does not apply to or prohibit the removal of any remains from one plot to another in the same cemetery or the removal of remains by a cemetery authority from a plot for which the purchase price is past due and unpaid, to some other suitable place; nor does it apply to the disinterment of remains upon order of court or coroner.

CHAPTER 2. REMOVALS TO OUT-OF-STATE POINTS

- 7550. (Repealed by Stats. 1941, Ch. 181.)
- 7551. (Repealed by Stats. 1941, Ch. 181.)
- 7552. (Repealed by Stats. 1941, Ch. 181.)
- 7553. (Repealed by Stats. 1941, Ch. 181.)
- 7554. (Repealed by Stats. 1941, Ch. 181.)
- 7555. (Repealed by Stats. 1941, Ch. 181.)
- 7556. (Repealed by Stats. 1941, Ch. 181.)
- 7557. (Repealed by Stats. 1941, Ch. 181.)
- 7558. (Repealed by Stats. 1941, Ch. 181.)
- 7559. (Repealed by Stats. 1941, Ch. 181.)

CHAPTER 3. REMOVAL OF ALL REMAINS: CITIES OF 1,500-100,000

7600. The governing body of any city having a population of more than 1,500 and not exceeding 100,000, may, by ordinance, and under such rules and regulations as it may adopt, provide for the disinterring and removal of all human remains from cemeteries in which no interments have been made for a period of two years, which are within the city, or owned and controlled by the city and located without its boundaries.

CHAPTER 4. REMOVAL OF ALL REMAINS: CITIES AND COUNTIES OVER 100,000

Article 1. Power of Municipality

7700. The governing body of any city or city and county, having a population of more than 100,000 persons, may order the disinterment and removal of all human remains interred in all or any part of any cemetery of more than five acres in extent situated within its limits, where the right of inter-

ment in the cemetery has been prohibited by law for a period of 15 years or more, whenever the governing body, by ordinance, declares that the further maintenance of all or any part of the cemetery as a burial place for the human dead threatens or endangers the health, safety, comfort or welfare of the public and demands the disinterment and removal beyond the limits of the city, or city and county, of the human remains interred therein.

7701. The governing body of such city or city and county may in any ordinance ordering or directing the disinterment and removal of such remains prescribe reasonable rules and regulations governing the manner of making disinterments and removals and providing for reinterment in cemeteries outside the city or city and county limits.

The ordinance shall prescribe a reasonable time of not less than two years in which the removal of remains may be made by the cemetery authority, or by the owners or holders of interment spaces, or by the relatives or friends of those whose remains are interred in the cemetery, and may also provide that if the remains are not removed within the period fixed, the city or city and county will itself proceed to remove the remains and reinter them in another cemetery or cemeteries outside the city or city and county limits.

Article 2. Declaration of Intention by Cemetery Authority

7725. The cemetery authority of any cemetery from which human remains are ordered removed by an ordinance adopted in accordance with this chapter, may declare its intention and purpose to disinter and remove the remains in accordance with the ordinance, and to reinter the remains in another cemetery or cemeteries outside the limits of the city or city and county, or to deposit the removed remains in a memorial mausoleum or columbarium.

In the case of a cemetery corporation or association the procedure for such declaration shall be by resolution of the governing body of the corporation or association, ratified and approved by a majority vote of the lot owners or holders at any regular meeting of the corporation or association, or at a meeting specially called for the purpose.

7726. Any resolution or declaration of intention to disinter and remove human remains pursuant to this chapter adopted or declared by any cemetery authority shall specify and declare that at any time after the expiration of 10 months from and after the first publication of the notice of the resolution or declaration, the human remains then remaining in all or any part of the cemetery will be removed by the cemetery authority.

Article 3. Notice of Intention

7735. Notice of a declaration of intention to remove the human remains from all or any part of any cemetery shall be given by publication in a newspaper of general circulation published in the city, or city and county, in which the cemetery or the portion from which removals are to be made is situated. Publication shall be at least once a week for two successive months.

7736. The notice shall be entitled "Notice of Declaration of Intention to Remove Human Remains from ----- (insert name of cemetery) in accordance with the provisions of Ordinance No. ---- (insert number) of the ----- (insert name of city, or city and county) adopted ----- (insert date)" and shall specify a date not less than 10 months after the first publication when the cemetery authority causing the notice to be published will proceed to remove the remains then remaining in such cemetery or the portion from which removals are to be made.

7737. Copies of the notice shall within 10 days after the first publication be posted in at least three conspicuous places in the cemetery or the portion from which removals are to be made.

7738. A copy of the notice shall be mailed to every person who owns, holds, or has the right of interment in, any plot in the cemetery or part affected, whose name appears upon the records of the cemetery. The notice shall be addressed to the last known post-office address of the plot owner as it appears from the records of the cemetery, and if his address does not appear or is not known, then to him at the city, or city and county, in which the cemetery land is situated.

7739. The notice shall also be mailed to each known living heir at law of any person whose remains are interred in the cemetery, if his address is known.

Article 4. Special Notice to Relative or Friend

7750. At any time before the date fixed for the removal of remains by the cemetery authority, any relative or friend of any person whose remains are interred in the cemetery from which removals are to be made may give the cemetery authority written notice that he desires to be present when the remains are disinterred or are reinterred.

7751. The notice to the cemetery authority shall specify:

(a) The name of the person whose remains are to be disinterred.

(b) As accurately as possible, the plot where the remains are interred.

(c) The date of interment.

(d) An address at which the required notices may be given by the cemetery authority.

7752. The notice may be delivered, or forwarded by registered mail, to the office or principal place of business of the cemetery authority proposing to make removals.

7753. After receipt of such notice before the date fixed for the removal of the remains by the cemetery authority, it shall give written notice to the person requesting it of the time when the remains shall be disinterred and of the time when and the place where they will be reinterred. This notice shall be given by delivery, or by mail, to the person requesting it at least 10 days prior to the date specified for the disinterment of the remains.

7754. Whenever a request of notice is given by a relative or friend, the cemetery authority shall not disinter the remains referred to until the notice of the time of disinterment is given the relative or friend, as provided in this article.

Article 5. Removals by Relatives or Friends

7800. At any time prior to the removal by a cemetery authority of the remains of any person, any relative or friend of the decedent may voluntarily remove and dispose of the remains.

7801. The person desiring to cause the removal shall, prior to removal, deliver to the cemetery authority an affidavit stating the name of the decedent whose remains it is desired to remove and, so far as is known to affiant, the date of burial and the names and places of residence of the heirs at law of the decedent. If the person desiring to cause the removal is not an heir at law of the person whose remains he desires to remove, the removal shall not be made by him until he has delivered to the cemetery authority the written consent of a majority of the known heirs at law of the decedent who are residents of this State. The statements in the affidavit are sufficient evidence of the number, names, and residences of the heirs at law for all of the purposes of this article, and the written consent of the majority of the heirs at law named in the affidavit is sufficient authority for the cemetery authority to permit the removal of the remains.

7802. Removal of all remains in a plot without the filing of an affidavit of consent may be caused by any of the following:

(a) The purchaser or owner of the plot.

(b) The purchaser or owner of the right of interment in the plot.

(c) Any one of joint purchasers or owners of the plot or of the right of interment in the plot.

7803. If the right, title or interest of any grantee of any plot or of the right of interment therein has passed by succession to the heir or heirs at law of the grantee without distribution by order of court, the heir or heirs at law may remove the remains of persons interred in the plot. The affidavit of any heir at law setting out the facts of heirship

shall be accepted by the cemetery authority as sufficient evidence of the fact of the transfer.

7804. Whenever remains are removed by a relative or friend of a decedent, under the provisions of this chapter, the person causing the removal is entitled to remove any vault, monument, headstone, coping or other improvement appurtenant to the interment space from which the remains have been removed. The affidavit or written consent given under the provisions of this chapter are sufficient authority for the cemetery authority to permit the removal of any such appurtenance.

7805. If such appurtenances remain on the plot for more than 90 days after the removal of the last human remains, they may be removed and disposed of by the cemetery authority, and thereafter no person claiming any interest in the plot, or any such appurtenance shall maintain in any court any action in relation to any such appurtenance.

Article 6. Removal by Cemetery Authority

7850. After the completion of notice, and after the expiration of the period of 10 months specified in the notice, any cemetery authority may cause the removal of all human remains interred in the cemetery or portion from which the remains have been ordered removed, and may reinter such remains in other cemeteries in this State where interments are permitted, without further notice to any person claiming any interest in the cemetery, or portion affected, or in the remains interred therein.

7851. Whenever any remains are removed from any cemetery or portion of a cemetery pursuant to this chapter by a cemetery authority, they shall be transported to and reinterred in a cemetery in an adjoining county where interments by the cemetery authority are permitted.

7852. The remains of each person reinterred shall be placed in a separate and suitable receptacle and decently and respectfully interred under rules and regulations adopted by the cemetery authority making the removal.

Article 7. Disposal of Lands

7900. Whenever human remains have been ordered removed under this chapter, and the cemetery authority has made and published notice of intention to remove such remains, the portions of the cemetery in which no interments have been made, and those portions from which all human remains have been removed, may be sold, mortgaged, or otherwise encumbered as security for any loan or loans made to the cemetery authority.

7901. No order of any court shall be required prior to the making of any such sale, mortgage, or other encumbrance of such lands; but any sale of such cemetery lands made by any cemetery corporation or association controlled by a governing

body shall be fairly conducted and the price paid shall be fair and reasonable and all such sales shall be confirmed, as to the fairness and reasonableness of the price paid, by the superior court of the county in which the lands are situated.

7902. Petitions for confirmation of sales shall be made to the superior court of the county or city and county in which such lands are situated, and the clerk of the court shall fix a day for and give notice of hearing in accordance with the provisions of Section 1200 of the Probate Code.

7903. If prior to the adoption of an ordinance pursuant to this chapter any cemetery authority has in good faith entered into any agreement to sell or has granted any option to buy all or any portion of its cemetery lands for a price reasonable at the time the agreement to sell was made, or the option granted, the superior court shall confirm the sale at the price stipulated in the agreement to sell or the option to buy.

7904. After the removal of all human remains interred in any part or the whole of the cemetery lands, the cemetery authority may file for record in the office of the county recorder of the county or city and county in which the lands are situated a written declaration reciting that all human remains have been removed from the lands described in the declaration.

The declaration shall be acknowledged in the manner of the acknowledgment of deeds to real property by the president and secretary, or other corresponding officers of the cemetery authority, or by the person owning or controlling the cemetery lands, and thereafter any deed, mortgage, or other conveyance of any part of such lands is conclusive evidence in favor of any grantee or mortgagee named in it, and his successor or assigns, of the fact of the complete removal of all human remains therefrom.

7905. With the approval of the governing body of the city or county in which the cemetery lands are situated, sufficient lands may be reserved from any cemetery lands from which the human remains have been removed to erect a mausoleum or columbarium for the reinterment of disinterred remains, to provide sufficient grounds around it, and to preserve such historical vaults or monuments as the cemetery authority may determine to be proper or necessary.

7906. After all remains have been removed from a cemetery in accordance with Chapters 3 and 4, Part 2, Division 7 of this code, the dedication may be removed from all or any part of such cemetery lands by an order and decree of the superior court of the county in which the property is situated, in a proceeding brought for that purpose and upon notice of hearing and proof satisfactory to the court:

(a) That all bodies have been removed, or that no interments were made; and

(b) That the property is no longer used or required for interment purposes.

(Added by Stats. 1939, Ch. 1032.)

Article 8. Use of Funds

7925. Money payable or to become payable as the purchase price or on account of the purchase price of unused lands, or lands from which all remains have been removed is not subject to garnishment, attachment or execution, but shall be used exclusively for any or all of the following purposes:

(a) Acquisition of lands and improvements for cemetery purposes.

(b) Disinterment, removal, and reinterment of bodies, pursuant to this chapter.

(c) Endowment care of graves, markers, and cemetery embellishments.

(d) The payment of expenses incidental to the disinterment, removal, and reinterment.

(e) Any other purpose consistent with the objects for which the cemetery authority owning the cemetery is created or organized.

(Amended by Stats. 1939, Ch. 1071, and by Stats. 1951, Ch. 176.)

7926. Whenever any cemetery corporation or association has declared for removal and has published notice of its intention to make removals under this chapter, it may employ any money in its treasury to defray the expense of removal, including:

(a) The expense of purchasing or otherwise providing a suitable place for the interment of remains in any other cemetery.

(b) The expenses of disinterment, transportation and reinterment.

(c) The expenses of removal and disposal of vaults, monuments, headstones, copings, or other improvements.

(d) All necessary expenses incident to the sale or mortgaging of any land from which removals have been made.

(e) All other expenses necessarily incurred in carrying out the removal, and reinterment, or disposing of remains so removed.

(f) All expenses incident to any of the above purposes.

7927. From the money remaining in the treasury of the cemetery corporation or association after completing the removal and reinterment of the remains from its cemetery lands and the payment of all incidental expenses, the cemetery corporation or association shall set aside an adequate endowment care fund for the maintenance and care of the cemetery in which the remains have been interred.

(Amended by Stats. 1951, Ch. 176.)

7928. After making provisions for an endowment care fund to provide for maintenance and care, the governing body of the cemetery corporation or association may use such portion of the funds then remaining as it may determine to be just and fair in reimbursing those who voluntarily and at their own cost and expense removed the remains of friends or relatives from the

cemetery lands from which the remains were ordered removed. Such reimbursement shall not be greater in amount than the average cost to the cemetery corporation or association for removals directly made by it.

(Amended by Stats. 1951, Ch. 176.)

7929. Any balance remaining in the fund may be used for such other purposes as the cemetery corporation or association may lawfully declare.

7930. Whenever any cemetery corporation or association having a governing body has caused the removal of remains from all or any portion of its cemetery and has funds in its treasury which are not required for other purposes, it may set aside, invest, use, and apply from such unexpended funds such sum as, in the judgment of the governing body, it is necessary or expedient to provide for the perpetual or other care or improvement of any cemetery in which the disinterred remains may be reinterred.

7931. In lieu of itself investing, using or applying the funds for care or improvement, the cemetery corporation or association may transfer the funds to any other corporation under such conditions and regulations as in the judgment of the governing body will insure their application to the purposes of care or improvement.

7932. Before any such transfer of funds is made, the cemetery corporation or association shall obtain an order authorizing the transfer from the superior court of the county where the cemetery or portion from which the remains were removed is situated.

7933. The order shall be obtained upon petition of the cemetery corporation or association, after such notice by publication as the court may direct, and any member or former plot owner may support or oppose the granting of the order by affidavit or otherwise. Before making the order, proof shall be made to the satisfaction of the court that notice has been given and that it is for the best interests of the cemetery corporation or association that the transfer be made.

Article 9. New Land, Mausoleum or Columbarium

7950. Whenever any cemetery authority owning or controlling cemetery lands from which remains are to be removed has acquired the possession or use of any cemetery for the purpose of providing a place for the reinterment of human remains removed under this chapter, new lands may be surveyed and subdivided into plots, avenues, and walks for cemetery purposes; and any mausoleum and columbarium may be divided into crypts or niches.

7951. Plots, crypts, or niches may be sold to persons desiring to make reinterments.

7952. The governing body of any cemetery corporation or association may receive and accept as part or full consideration for the purchase price of new plots full or partial releases

of rights in or to the whole or any part of the assets of the corporation or association other than the plot conveyed to the purchaser. Any retransfer to the cemetery corporation or association of any plot in the cemetery from which the removal of the human remains is to be made operates as such release.

7953. After the removal and reinterment of remains disinterred from any cemetery the cemetery authority shall cause to be erected upon or imbedded in any plot in which any remains are reinterred a suitable permanent marker identifying the remains.

7954. The cemetery authority shall prepare a complete map or plat describing and showing the location and subdivision into plots of the cemetery lands where remains are reinterred, or a plan of any mausoleum or columbarium in which such remains are interred; and there shall be attached to each plan a description of the name, where known, of each person whose remains are reinterred, and the plot in the cemetery, or the niche or compartment in the mausoleum or columbarium where such remains are reinterred.

7955. The map or plan shall be kept on file in the office of the cemetery authority and shall at all times be open to inspection by the relatives or friends of deceased persons whose remains are reinterred therein.

Article 10. Taxation

7975. When any law or ordinance requires that the remains interred in any cemetery be removed and reinterred elsewhere, no county, town or political subdivision in which the reinterment of disinterred remains takes place, shall charge for any permit or levy a tax of any nature for the reinterment.

Article 11. Religious Observances

7980. The heirs, relatives or friends of any decedent whose remains have been interred in any cemetery owned, governed or controlled by any religious corporation or by any church or religious society of any denomination or by any corporation sole administering temporalities of any religious denomination, society or church, or owned, governed or controlled by any person or persons as trustee or trustees for any religious denomination, society or church shall not disinter, remove, reinter or dispose of any such remains except in accordance with the rules, regulations and discipline of such religious denomination, society or church.

The officers, representatives or agents of the church or religious society shall be the sole judge of the requirements of the rules, regulations and discipline of such religious denomination, society or church.

Article 12. Removal by Counties
(Article 12 added by Stats. 1947, Ch. 586)

8000. If it appears to the board of supervisors of any county owning a county cemetery that:

(a) It is necessary that the property be used for other purposes, and

(b) The cemetery is located on a portion of the site of an existing county institution maintained for the relief of the indigent, sick and afflicted, and

(c) Adequate facilities are otherwise provided for by the county for the burial of the indigent dead;
the board may, by following the procedure contained in this article, order the disinterment and removal of all human remains interred in such cemetery.

(Added by Stats. 1947, Ch. 586; amended by Stats. 1961, Ch. 303.)

8001. Any resolution or declaration for abandonment adopted and made under the provisions of this article shall specify and declare that at any time after the expiration of 60 days after the first publication of the notice of declaration of intended abandonment and removal, the human remains then remaining in the cemetery will be removed by the county owning the cemetery. Notice of the declaration of intended abandonment of the cemetery and proposed removal of the human remains interred therein shall be given to all persons interested therein by publication in the newspaper of general circulation published in the county determined by the board of supervisors most likely to give notice to the parties concerned. Publication shall be made once a week for four consecutive times. The notice shall be entitled "Notice of Declaration of Abandonment of Lands for Cemetery Purposes and of Intention to Remove Human Bodies Interred Therein," and shall specify a date not less than 60 days after the first publication of the notice when the county controlling the cemetery lands and causing the notice to be published will proceed to remove the human remains then remaining in such cemetery. Notice shall also be mailed to any known living heir-at-law of any person whose remains are interred in the cemetery when the address of the heir is known.

(Added by Stats. 1947, Ch. 586.)

8002. At any time before the date fixed for the removal of the remains by the county owning or controlling such cemetery land, any relative or friend of any person whose remains are interred in the cemetery may voluntarily remove the remains and reinter the same as he may desire.

(Added by Stats. 1947, Ch. 586.)

8003. After the publication and mailing of the notice mentioned in Section 8001 of this code and after the expiration of the 60 days specified in the notice, the county shall have the power to cause the removal of all human remains interred in the cemetery about to be abandoned and to cause the reinterment in other cemeteries of the county in which burials are per-

mitted, without further notice to any persons claiming an interest in the remains therein interred.

(Added by Stats. 1947, Ch. 586.)

8004. Whenever the remains of any person shall be removed from any abandoned cemetery by the county owning such abandoned cemetery, such remains shall be transported and reinterred in a separate and suitable receptacle. After the removal and reinterment of human bodies disinterred from an abandoned cemetery, the county owning or controlling the abandoned cemetery lands shall cause to be erected upon or imbedded in any lot or plot wherein such body is reinterred a suitable permanent marker identifying the remains with as much particularity as is available to such county and shall prepare a complete record of the name of each person, where known, and the lot or plot where the body is reinterred and such record shall be kept in the office of the board of supervisors of the county making such removals and reinterments and shall at all times be open to the relatives and friends of those so reinterred.

(Added by Stats. 1947, Ch. 586.)

8005. After the removal of all human remains the property may be used, managed and controlled by the board of supervisors as other county property.

(Added by Stats. 1947, Ch. 586.)

DIVISION 8. CEMETERIES

PART 1. GENERAL PROVISIONS

CHAPTER 1. CEMETERY DEFINED

8100. Six or more human bodies being buried at one place constitute the place a cemetery.

CHAPTER 2. VANDALISM

8101. Every person is guilty of a misdemeanor and punishable by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment for not exceeding six months, or by both, who unlawfully or without right wilfully does any of the following:

(a) Destroys, cuts, mutilates, effaces, or otherwise injures, tears down, or removes: Any tomb, monument, memorial, or marker in a cemetery, or any gate, door, fence, wall, post or railing, or any inclosure for the protection of a cemetery or any property in a cemetery.

(b) Obliterates any grave, vault, niche, or crypt.

(c) Destroys, cuts, breaks or injures any building, statuary, ornamentation, tree, shrub, or plant within the limits of a cemetery.

(d) Disturbs, obstructs, detains or interferes with any person carrying or accompanying human remains to a cemetery or funeral establishment, or engaged in a funeral service, or an interment.

(Amended by Stats. 1939, Ch. 339.)

8102. Any person violating any provision of this chapter is liable, in a civil action by and in the name of the cemetery authority, to pay all damages occasioned by his unlawful acts. The sum recovered shall be applied in payment for the repair and restoration of the property injured or destroyed.

8103. The provisions of this chapter do not apply to the removal or unavoidable breakage or injury, by a cemetery authority, of any thing placed in or upon any portion of its cemetery in violation of any of the rules or regulations of the cemetery authority, nor to the removal of anything placed in the cemetery by or with the consent of the cemetery authority which has become in a wrecked, unsightly, or dilapidated condition.

CHAPTER 3. RECORDS

8110. The person in charge of any premises on which interments or cremations are made shall keep a record of all remains interred or cremated and of the interment of remains on the premises under his charge, in each case stating the name of each deceased person, place of death, date of interment, and name and address of the funeral director.

8111. The records shall at all times be open to official inspection.

8112. (Repealed by Stats. 1957, Ch. 363. See second note at beginning of Division 9 commencing Section 10000.)

PART 2. PUBLIC CEMETERIES

CHAPTER 1. GENERAL PROVISIONS

8125. Incorporated cities, and for unincorporated towns the supervisors of the county, may survey, lay out, and dedicate for burial purposes not exceeding five acres of public lands situated in or near the city or town. The survey, description, and a certified copy of the order made constituting the land a cemetery shall be recorded in the recorder's office of the county in which it is located.

(Amended by Stats. 1939, Ch. 339.)

8126. The title to lands situated in or near any city and used by the inhabitants without interruption as a cemetery for five years is vested in the inhabitants of the city and the lands shall not be used except as a public cemetery.

(Amended by Stats. 1939, Ch. 339.)

8127. The inhabitants of any city may by subscription or otherwise purchase or receive by gift or donation, lands not exceeding five acres to be used as a cemetery, the title to be vested in the inhabitants, which lands when once dedicated to use for burial purposes, shall not thereafter be used for any other purpose.

(Amended by Stats. 1939, Ch. 339.)

8128. The governing body having control of a public cemetery shall require a register of name, age, birthplace, date of death, and burial of every body interred therein, to be kept

by the sexton or other officer. The register shall be open to public inspection.

8129. The public cemeteries of cities, towns, or neighborhoods or of fraternal or beneficial associations or societies shall be inclosed and laid off into plots.

8130. The general management, conduct, and regulation of burials, the disposition of plots, and keeping the plots in order, are under the jurisdiction and control of the city owning the cemetery.

(Amended by Stats. 1939, Ch. 339.)

8131. If not owned by a city or by a fraternal or beneficial association or society, public cemeteries are under the jurisdiction and control of the board of supervisors of the county in which they are situated.

8132. Public cemeteries of fraternal or beneficial associations or societies are under the jurisdiction of and controlled and managed by the associations or societies or by trustees appointed by them.

8133. The authorities having jurisdiction and control of cemeteries may make and enforce general rules and regulations, and appoint sextons or other officers to enforce obedience to the rules and regulations, with such powers and duties regarding the cemetery as may be necessary.

8134. No streets, alleys, or roads shall be opened or laid out within the boundary lines of any cemetery located in whole or in part within the lines of any city or city and county where burials in the cemetery have been had within five years prior thereto, without the consent of the person owning and controlling the cemetery.

(Added by Stats. 1953, Ch. 83, as part of codification.)

PART 3. PRIVATE CEMETERIES

CHAPTER 1. GENERAL PROVISIONS

8250. Except as provided in subdivision (c) of this section, the provisions of this part do not apply to any of the following:

(a) Any religious corporation, church, religious society or denomination, a corporation sole administering temporalities of any church or religious society or denomination, or any cemetery organized, controlled, and operated by any of them.

(b) Any public cemetery.

(c) Any private or fraternal burial park not exceeding 10 acres in area, heretofore established; provided, however, that the provisions of Chapter 6 (commencing at Section 8800) and Chapter 7 (commencing at Section 8825) of this part are applicable thereto.

(Amended by Stats. 1939, Ch. 339, and by Stats. 1959, Ch. 770.)

8250.5. As used in Section 8250 of this code, a public cemetery is a cemetery owned and operated by a city, county, city and county, or public cemetery district.

(Added by Stats. 1953, Ch. 386.)

8251. The provisions of this part do not affect the corporate existence of any cemetery organized under any law then existing prior to August 14, 1931, and as to such cemeteries, and their rights, the laws under which the corporation was organized and existed and under which such rights became vested are applicable.

8252. It is unlawful for any corporation, copartnership, firm, trust, association, or individual to engage in or transact any of the businesses of a cemetery within this State except by means of a corporation duly organized for such purposes.

(Amended by Stats. 1953, Ch. 1161.)

8253. The powers, privileges, duties and restrictions conferred and imposed upon any corporation, firm, copartnership, association, trust or individual, existing and doing business under the laws of this State, are hereby enlarged or modified as each particular case may require to conform to the provisions of this part notwithstanding anything to the contrary in their respective articles of incorporation, charter or other evidence of organization.

CHAPTER 2. OPERATION AND MANAGEMENT

Article 1. General Provisions

8275. Any private corporation authorized by its articles so to do, may establish, maintain, manage, improve, or operate a cemetery, and conduct any or all of the business of a cemetery, either for or without profit to its members or stockholders.

8276. Charges made by a cemetery authority for foundations, for setting of or permitting the setting of, or for endowment care of, grave markers or monuments, shall be uniform whether the marker or monument sale was made by the cemetery authority or by another person, firm, or corporation. The amount charged for the marker or monument, the foundation, the setting, permitting the setting and the deposit for endowment care, shall be separately stated, in the contract of sale, when applicable.

(Added by Stats. 1961, Ch. 711.)

Article 2. Rules and Regulations

8300. A cemetery authority may make, adopt, amend, add to, revise, or modify, and enforce rules and regulations for the use, care, control, management, restriction and protection of all or any part of its cemetery and for the other purposes specified in this article.

8301. It may restrict and limit the use of all property within its cemetery.

8302. It may regulate the uniformity, class, and kind of all markers, monuments, and other structures within the cemetery and its subdivisions.

8303. It may prohibit the erection of monuments, markers, or other structures in or upon any portion of the cemetery.

8304. It may regulate or prohibit monuments, effigies, and structures within any portion of the cemetery and provide for their removal.

8305. It may regulate or prevent the introduction or care of plants or shrubs within the cemetery.

8306. It may prevent interment in any part of the cemetery of human remains not entitled to interment and prevent the use of interment plots for purposes violative of its restrictions or rules and regulations.

8307. It may regulate the conduct of persons and prevent improper assemblages in the cemetery.

8308. It may make and enforce rules and regulations for all other purposes deemed necessary by the cemetery authority for the proper conduct of the business of the cemetery, for the transfer of any plot or the right of interment, and the protection and safeguarding of the premises, and the principles, plans, and ideals on which the cemetery is conducted.

(Amended by Stats. 1939, Ch. 339.)

8309. The rules and regulations shall be plainly printed or typewritten and maintained subject to inspection in the office of the cemetery authority or in such place or places within the cemetery as the cemetery authority may prescribe.

Article 3. Police Power

8325. The sexton, superintendent or other person in charge of a cemetery, and such other persons as the cemetery authority designates have the authority of a peace officer for the purpose of maintaining order, enforcing the rules and regulations of the cemetery association, the laws of the State, and the ordinances of the city or county, within the cemetery over which he has charge, and within such radius as may be necessary to protect the cemetery property.

(Amended by Stats. 1939, Ch. 339.)

Article 4. Records

8330. A record shall be kept of every interment showing the date the human remains were received, the date of interment, the name and age of the person interred, when these particulars can be conveniently obtained, and the plot in which interment was made.

8331. A record shall be kept of the ownership of all plots in the cemetery which have been conveyed by the cemetery authority and of all transfers of plots in the cemetery. No transfer of any plot, heretofore or hereafter made, or any right of interment, shall be complete or effective until recorded on the books of the cemetery authority.

(Added by Stats. 1939, Ch. 339.)

Article 5. Operation of Crematories

8340. No crematory shall conduct, or shall hereafter be constructed, established, or authorized to conduct, any busi-

ness unless there is in connection therewith in the same fireproof building or structure or in a separate fireproof building within the same cemetery, either:

A columbarium, a burial park or mausoleum amply equipped at all times for the interment of remains of bodies cremated at the crematory.

(Amended by Stats. 1939, Ch. 339.)

8341. All cremated remains not removed for interment elsewhere shall be interred in a plot within a reasonable time after cremation.

Article 6. Contract Limitations

8350. Unless otherwise limited by the law under which created, cemetery authorities shall in the conduct of their business have the same powers granted by law to corporations in general, including the right to contract such pecuniary obligations within the limitation of general law as may be required, and may secure them by mortgage, deed of trust, or otherwise upon their property.

8351. All mortgages, deeds of trust, and other liens of any nature, hereafter contracted, placed or incurred upon property which has been and was at the time of the creation or placing of the lien, dedicated as a cemetery pursuant to this part, or upon property which is afterwards, with the consent of the owner of any mortgage, trust deed, or lien, dedicated to cemetery purposes pursuant to this part, shall not affect or defeat the dedication, but the mortgage, deed of trust or other lien is subject and subordinate to such dedication and any and all sales made upon foreclosure are subject and subordinate to the dedication for cemetery purposes.

Article 7. Restrictions on Officers

8360. No director or officer of any cemetery authority shall directly or indirectly, for himself or as the partner or agent of others, borrow any funds of the corporation or association, nor may he become an indorser or surety for loans to others, nor in any manner be an obligor for money borrowed of or loaned by the corporation or association, nor shall a corporation of which a director or an officer is a stockholder, or in which either of them is in any manner interested, borrow any of the funds of the corporation or association.

8361. The office of any director or officer who acts or permits action contrary to this article immediately thereupon becomes vacant.

8362. Every director or officer authorizing or consenting to a loan, and the person who receives a loan, in violation of this article are severally guilty of a misdemeanor.

CHAPTER 3. ACQUISITION, DEDICATION AND SALE

Article 1. Acquisition of Property

8500. Cemetery authorities may take by purchase, donation or devise, property consisting of lands, mausoleums, crematories, and columbariums, or other property within which the interment of the dead may be authorized by law.

Article 2. Declaration of Intention

8525. A cemetery authority may execute a declaration acknowledged so as to entitle it to be recorded, describing the property and declaring its intention to use all or part of the property for cemetery purposes.

8526. The declaration may be filed for record in the office of the recorder of the county in which the property is situated, and from the date of filing the declaration is constructive notice of the use for which the property is intended.

Article 3. Dedication

8550. Every cemetery authority, from time to time as its property may be required for interment purposes, shall:

(a) In case of land, survey and subdivide it into sections, blocks, plots, avenues, walks or other subdivisions; make a good and substantial map or plat showing the sections, plots, avenues, walks or other subdivisions, with descriptive names or numbers.

(b) In case of a mausoleum, or crematory and columbarium it shall make a good and substantial map or plat on which shall be delineated the sections, halls, rooms, corridors, elevations, and other divisions, with descriptive names or numbers.

(c) The maps or plats shall be clearly and legibly drawn, printed, or reproduced by a process guaranteeing a permanent record on opaque linen or tracing cloth. The size of each sheet shall be 18 by 26 inches. A one (1) inch blank margin shall be left at the left edge and a one-half ($\frac{1}{2}$) inch margin shall be left at the other edges of the sheet.

(Amended by Stats. 1957, Ch. 1865.)

8551. The cemetery authority shall file the map or plat in the office of the recorder of the county in which all or a portion of the property is situated. The cemetery authority shall also file for record in the county recorder's office a written declaration of dedication of the property delineated on the plat or map, dedicating the property exclusively to cemetery purposes.

8552. The declaration shall be in such form as the cemetery authority may prescribe, and shall be subscribed by the president or vice president, and the secretary, or other persons whom the cemetery authority may authorize, and shall be acknowledged so as to entitle it to be recorded.

8553. Upon the filing of the map or plat and the filing of the declaration for record, the dedication is complete for all purposes and thereafter the property shall be held, occupied, and used exclusively for a cemetery and for cemetery purposes.

8554. When reservation is made in the declaration of dedication, any part or subdivision of the property so mapped and platted may, by order of the directors, be resurveyed and altered in shape and size and an amended map or plat filed, so long as such change does not disturb the interred remains of any deceased person.

8555. The filed map or plat and the recorded declaration are constructive notice to all persons of the dedication of the property to cemetery purposes.

8556. The county recorder of the county in which a map or plat is filed shall index the map or plat in the general index giving reference to date of filing and number or to book and page so that it may easily be found. The recorder may bind the maps or plats in special books or in his books of maps of subdivisions. The fee for filing and indexing said map or plat shall be the same as provided for subdivided land under Section 27372 of the Government Code.

(Amended by Stats. 1957, Ch. 1865.)

8557. The county recorder of the county in which a declaration of dedication is filed shall record it in the official records of his office and index it in the general index.

(Amended by Stats. 1957, Ch. 954. In effect June 8, 1957.)

8558. After property is dedicated to cemetery purposes pursuant to this chapter, neither the dedication, nor the title of a plot owner, shall be affected by the dissolution of the cemetery authority, by nonuser on its part, by alienation of the property, by any incumbrances, by sale under execution, or otherwise except as provided in this chapter.

8559. Dedication to cemetery purposes pursuant to this chapter is not invalid as violating any laws against perpetuities or the suspension of the power of alienation of title to or use of property, but is expressly permitted and shall be deemed to be in respect for the dead, a provision for the interment of human remains, and a duty to, and for the benefit of, the general public.

8560. After dedication pursuant to this chapter, and as long as the property remains dedicated to cemetery purposes, no railroad, street, road, alley, pipe line, pole line, or other public thoroughfare or utility shall be laid out, through, over, or across any part of it without the consent of the cemetery authority owning and operating it, or of not less than two-thirds of the owners of interment plots.

8560.5. No streets, alleys, or roads shall be opened or laid out within the boundary lines of any cemetery located in whole or in part within the lines of any city or county, where burials in the cemetery have been had within five years

prior thereto, without the consent of the person owning and controlling the cemetery.

(Added by Stats. 1953, Ch. 83, as part of codification.)

8561. All property dedicated pursuant to this chapter, including roads, alleys, and walks, is exempt from public improvement assessments, and is not liable to be sold on execution or applied in payment of debts due from individual owners of interment plots.

Article 4. Sale of Plots

8570. After filing the map or plat and recording the declaration of dedication, a cemetery authority may sell and convey plots subject to such rules and regulations as may be then in effect or thereafter adopted by the cemetery authority, and subject to such other and further limitations, conditions and restrictions as may be inserted in or made a part of the declaration of dedication by reference, or included in the instrument of conveyance of such plot.

(Amended by Stats. 1939, Ch. 339.)

8571. All plots, the use of which has been conveyed by deed or certificate of ownership as a separate plot, are indivisible except with the consent of the cemetery authority, or as provided by law.

8572. All conveyances made by a cemetery authority shall be signed by the president or the vice president, and the secretary, or by other officers authorized by the cemetery authority.

8573. Any cemetery authority or its agents who sell, offer for sale, contract to sell, or negotiate the sale of mausoleum crypts before the receipt of a certificate of occupancy as provided for in Sections 9591 and 9592 shall:

(a) Set forth in each contract a specific period of time within which the building or structure shall be completed.

(b) Set forth in each contract that the purchaser has the right of exchange for similar interment property and, in the event completion is not accomplished as set forth in (a) above, except upon the proclamation of a national emergency, guarantee the refund of the purchase price.

(c) Provide adequate financial provision for the construction cost of the mausoleum or the refund of the sales price to the purchaser until such time as a certificate of occupancy has been received.

(Added by Stats. 1957, Ch. 1635.)

8574. For a violation of any provision of Section 8573, the board may temporarily suspend or permanently revoke the license of any cemetery licensee and may order the reservation or escrowing of assets of the cemetery authority to the extent deemed necessary to satisfy the cost of construction of the structure or building.

(Added by Stats. 1957, Ch. 1635.)

Article 5. Removal of Dedication

8580. Property dedicated to cemetery purposes shall be held and used exclusively for cemetery purposes, unless and until the dedication is removed from all or any part of it by an order and decree of the superior court of the county in which the property is situated, in a proceeding brought by the cemetery authority for that purpose and upon notice of hearing and proof satisfactory to the court:

(a) That no interments were made in or that all interments have been removed from that portion of the property from which dedication is sought to be removed.

(b) That the portion of the property from which dedication is sought to be removed is not being used for interment of human remains.

(Amended by Stats. 1939, Ch. 1032.)

8581. The notice of hearing provided in Section 8580 shall be given by publication once a week for at least three consecutive weeks in a daily newspaper of general circulation in the county where said cemetery is located, and the posting of copies of the notice in three conspicuous places on that portion of the property from which the dedication is to be removed. Said notice shall:

(a) Describe the portion of the cemetery property sought to be removed from dedication.

(b) State that all remains have been removed or that no interments have been made in the portion of the cemetery property sought to be removed from dedication.

(c) Specify the time and place of the hearing.

(Added by Stats. 1939, Ch. 1032.)

CHAPTER 4. PROPERTY RIGHTS

Article 1. General Provisions

8600. All plots conveyed to individuals are presumed to be the sole and separate property of the owner named in the instrument of conveyance.

(Amended by Stats. 1939, Ch. 339.)

8601. The spouse of an owner of any plot containing more than one interment space has a vested right of interment of his remains in the plot and any person thereafter becoming the spouse of the owner has a vested right of interment of his remains in the plot if more than one interment space is unoccupied at the time the person becomes the spouse of the owner.

(Amended by Stats. 1939, Ch. 339.)

8602. No conveyance or other action of the owner without the written consent or joinder of the spouse of the owner divests the spouse of a vested right of interment, except that a final decree of divorce between them terminates the vested right of interment unless otherwise provided in the decree.

(Amended by Stats. 1939, Ch. 339.)

8603. If no interment is made in an interment plot which has been transferred by deed or certificate of ownership to an individual owner, or if all remains previously interred are lawfully removed, upon the death of the owner, unless he has disposed of the plot either in his will by a specific devise or by a written declaration filed and recorded in the office of the cemetery authority, the plot descends to the heirs at law of the owner subject to the rights of interment of the decedent and his surviving spouse.

8604. Cemetery property passing to an individual by reason of the death of the owner is exempt from all inheritance taxes.

8605. An affidavit by a person having knowledge of the facts setting forth the fact of the death of the owner and the name of the person or persons entitled to the use of the plot pursuant to this chapter, is complete authorization to the cemetery authority to permit the use of the unoccupied portions of the plot by the person entitled to the use of it.

Article 2. Joint Tenants

8625. In a conveyance to two or more persons as joint tenants each joint tenant has a vested right of interment in the plot conveyed.

8626. Upon the death of a joint tenant, the title to the plot held in joint tenancy immediately vests in the survivors, subject to the vested right of interment of the remains of the deceased joint tenant.

8627. Cemetery property held in joint tenancy is exempt from the provisions of the Code of Civil Procedure relating to proceedings for establishing the fact of death of a person whose death affects title to real property.

8628. An affidavit by any person having knowledge of the facts setting forth the fact of the death of one joint tenant and establishing the identity of the surviving joint tenants named in the deed to any plot, when filed with the cemetery authority operating the cemetery in which the plot is located, is complete authorization to the cemetery authority to permit the use of the unoccupied portion of the plot in accordance with the directions of the surviving joint tenants or their successors in interest.

8629. When there are several owners of a plot, or of rights of interment in it, they may designate one or more persons to represent the plot and file written notice of designation with the cemetery authority. In the absence of such notice or of written objection to its so doing, the cemetery authority is not liable to any owner for interring or permitting an interment in the plot upon the request or direction of any co-owner of the plot.

Article 3. Family Interment Plots

8650. Whenever an interment of the remains of a member or of a relative of a member of the family of the record owner or of the remains of the record owner is made in a plot transferred by deed or certificate of ownership to an individual owner and the owner dies without making disposition of the plot either in his will by a specific devise, or by a written declaration filed and recorded in the office of the cemetery authority, the plot thereby becomes inalienable and shall be held as the family plot of the owner.

8651. In a family plot one grave, niche or crypt may be used for the owner's interment; one for the owner's surviving spouse, if any, who by law has a vested right of interment in it; and in those remaining, if any, the parents and children of the deceased owner in order of death may be interred without the consent of any person claiming any interest in the plot.

8652. If no parent or child survives, the right of interment goes in the order of death first, to the spouse of any child of the record owner and second, in the order of death to the next heirs at law of the owner or the spouse of any heir at law.

8653. Any surviving spouse, parent, child or heir who has a right of interment in a family plot may waive such right in favor of any other relative, or spouse of a relative of either the deceased owner or of his spouse, and upon such waiver the remains of the person in whose favor the waiver is made may be interred in the plot.

(Amended by Stats. 1945, Ch. 848.)

Article 4. Vested Right of Interment

8675. A vested right of interment may be waived and is terminated upon the interment elsewhere of the remains of the person in whom vested.

8676. No vested right of interment gives to any person the right to have his remains interred in any interment space in which the remains of any deceased person having a prior vested right of interment have been interred, nor does it give any person the right to have the remains of more than one deceased person interred in a single interment space in violation of the rules and regulations of the cemetery in which the interment space is located.

Article 5. Voluntary Establishment of Inalienability

8680. A cemetery authority may take and hold any plot conveyed or devised to it by the plot owner so that it will be inalienable, and interments shall be restricted to the persons designated in the conveyance or devise.

CHAPTER 5. ENDOWMENT AND SPECIAL CARE
(Chapter heading amended by Stats. 1951, Ch. 176)

Article 1. Care of Old Cemeteries

8700. In addition to those cemeteries to which this part does not apply, this article does not apply to abandoned cemeteries nor to cemeteries in which interments are prohibited.

8701. Whenever a majority of the plots in all or any part of a cemetery established prior to August 14, 1931, has been sold without the owner having made provision for the establishment of an adequate endowment care fund for its care, maintenance, and embellishment, the avenues, roadways, walks, driveways, alleys, streets and parks in it may be vacated or altered and replatted into plots which may be sold for interment purposes pursuant to this article.

(Amended by Stats. 1951, Ch. 176.)

8702. Application for the alteration or vacation or replating of all or any portion of an alley, street, avenue, walk, driveway, or park, for plots in the cemetery shall be made to the superior court in the county in which all or any portion of the property is situated.

8703. The application may be by the cemetery authority owning or operating the cemetery or if there is no cemetery authority operating the cemetery, by 20 or more plot owners.

8704. The petition shall be verified and shall specify the facts of such ownership and shall state the reasons for the proposed change and what provisions have theretofore been made for the endowment care of the cemetery.

(Amended by Stats. 1951, Ch. 176.)

8705. There shall be presented with the petition a plat of the cemetery and the proposed replat which shall clearly indicate the proposed changes.

8706. The petition shall be filed with the clerk of the superior court, and the clerk shall fix the time for hearing not less than 30 nor more than 60 days from the date of filing.

8707. Notice of the hearing shall be given by publishing a copy of the notice in a newspaper of general circulation near the cemetery in the county in which the property is situated, once a week for three consecutive weeks prior to the date of hearing.

8708. Copies of the notice shall be posted in three conspicuous places within the cemetery.

8709. The notice shall:

(a) Be addressed to all persons owning or interested in plots in the cemetery but need not name them.

(b) Set forth in a general way the proposed changes.

(c) Set forth the reasons stated in the petition for making the changes.

(d) State the time when the hearing of the petition will be had.

(e) State that a plat showing the proposed changes is on file with the clerk of the court.

8710. At the time fixed for the hearing, the court shall hear and consider any evidence introduced in favor of and all objections to the changes and may allow the proposed changes and replat in whole or in part, or may order and allow modifications of the proposed changes. The hearing may be continued from time to time by order of court.

(Amended by Stats. 1939, Ch. 339.)

8711. The cemetery authority or other person directed by the court shall accept the newly created plots and shall sell and convey them only for interment purposes.

(Amended by Stats. 1957, Ch. 79.)

8712. (Amended by Stats. 1951, Ch. 176; repealed by Stats. 1957, Ch. 79.)

8713. The vacation of an alley, avenue, roadway, walk, driveway, street, or park adjacent to a privately owned plot does not vest any interest in the owner of the plot to the vacated portion; but the adjacent owner shall, for 10 days after the date of the order of vacation, have the right to purchase the new plots.

(Amended by Stats. 1957, Ch. 79.)

8714. In allowing any damages to any plot owner for such vacation, the court shall take into consideration the benefit to be received from endowment care.

(Amended by Stats. 1951, Ch. 176.)

8715. The provisions of this article are hereby declared to be a necessary exercise of the police power of the State in order to preserve and keep existing cemeteries as resting places for the dead and to preserve cemeteries from becoming unkept and places of reproach and desolation in the communities in which they are located. The taking of roadways, alleys, walks, avenues, driveways, streets and parks for the purposes and by the method in this section specified, regardless of the private character of the association or person applying therefor, is hereby declared an exercise of the right of eminent domain in behalf of the public health, safety, comfort, pleasure, protection, and historic instruction to present and future generations.

Article 2. Care of Active Cemeteries

8725. Every cemetery authority which now or hereafter maintains a cemetery may place its cemetery under endowment care and establish, maintain, and operate an endowment care fund. Endowment care and special care funds may be commingled for investment and the income therefrom shall be divided between the endowment care and special care funds in the proportion that each fund contributed to the principal

sum invested. The funds may be held in the name of the cemetery authority or its directors or in the name of the trustees appointed by the cemetery authority.

(Amended by Stats. 1939, Ch. 339, and by Stats 1951, Ch. 176.)

8726. The principal of all funds for endowment care shall be invested and the income only may be used for the care, maintenance, and embellishment of the cemetery in accordance with the provisions of law and the resolutions, bylaws, rules and regulations or other actions or instruments of the cemetery authority and for no other purpose. Endowment and special care funds shall be maintained separate and distinct from all other funds and the trustees shall keep separate records thereof.

(Amended by Stats. 1951, Ch. 176, and by Stats. 1957, Ch. 1635.)

8726.1. The trustee of the endowment care fund shall create a reserve from which principal losses may be replaced by setting aside a reasonable percentage of the income from the fund. The trustee may also set aside out of income or net capital gains from investments, reserves for future maintenance, repair or restoration of property or embellishments in the cemetery which may be necessary or desirable as a result of wear, deterioration, accident, damage or destruction. The total amount of such reserves for maintenance, repair and replacement shall not at any time exceed 10 percent of the endowment care fund. "Net capital gains," as used in this section, means the amount by which cumulative capital gains since the establishment of the endowment care fund exceed the sum of cumulative capital losses since the establishment of the endowment care fund and capital gains previously set aside in reserve. Additions to the reserve in any year from capital gains shall not exceed one-half the difference between the capital gains and the capital losses during the year. Any capital gains not set aside in reserve shall be a part of the principal of the endowment care fund.

(Added by Stats. 1951, Ch. 176; amended by Stats. 1955, Ch. 595 and Ch. 1047.)

8727. (Repealed by Stats. 1951, Ch. 176.)

8728. The cemetery authority may from time to time adopt plans for the general care, maintenance, and embellishment of its cemetery, and charge and collect from all subsequent purchasers of plots such reasonable sum as, in the judgment of the cemetery authority, will aggregate a fund, the reasonable income from which will provide care, maintenance and embellishment.

(Amended by Stats. 1951, Ch. 176.)

8729. Upon payment of the purchase price and the amount fixed as a proportionate contribution for endowment care, there may be included in the deed of conveyance or by separate instrument an agreement to use the income from such endowment care fund for the care, maintenance, and embellishment in

accordance with the plan adopted, for the cemetery and its appurtenances to the proportionate extent the income received by the cemetery authority from the contribution will permit.

(Amended by Stats. 1951, Ch. 176.)

8730. Upon the application of an owner of any plot, and upon the payment by him of the amount fixed as a reasonable and proportionate contribution for endowment care a cemetery authority may enter into an agreement with him to use the income from such fund for the care of his plot and its appurtenances.

(Amended by Stats. 1951, Ch. 176.)

8731. The cemetery authority may appoint a board of trustees of not less than three in number as trustees of its endowment care fund. The members of the board of trustees shall hold office subject to the direction of the cemetery authority.

(Amended by Stats. 1951, Ch. 176.)

8732. The directors of a cemetery authority, if any, may be the trustee of its endowment care fund. When the fund is in the care of the directors as a board of trustees the secretary of the cemetery authority shall act as its secretary and keep a true record of all of its proceedings.

(Amended by Stats. 1951, Ch. 176.)

8732.1. Each individual trustee of an endowment care fund shall be a resident of this State, and a corporate trustee shall be qualified to do business in this State.

(Added by Stats. 1955, Ch. 595.)

8733. No sum in excess of 5 per cent of the income derived from the fund in any year shall be paid as compensation to the board of trustees for its services as trustee.

8733.5. In lieu of the appointment of a board of trustees of its endowment care fund, any cemetery authority may appoint as sole trustee of its endowment care fund any bank or trust company qualified under the provisions of the Bank Act of the State of California to engage in the trust business.

(Added by Stats. 1941, Ch. 176; amended by Stats. 1951, Ch. 176.)

8734. (Amended by Stats. 1939, Ch. 339; repealed by Stats. 1951, Ch. 176.)

8735. A cemetery authority which has established an endowment care fund may take, receive, and hold as a part of or incident to the fund any property, real, personal or mixed, bequeathed, devised, granted, given or otherwise contributed to it for its endowment care fund.

(Amended by Stats. 1951, Ch. 176.)

8736. The endowment care fund and all payments or contributions to it are hereby expressly permitted as and for charitable and eleemosynary purposes. Endowment care is a provision for the discharge of a duty due from the persons contributing to the persons interred and to be interred in the cemetery and a

provision for the benefit and protection of the public by preserving and keeping cemeteries from becoming unkept and places of reproach and desolation in the communities in which they are situated.

(Amended by Stats. 1951, Ch. 176.)

8737. No payment, gift, grant, bequest, or other contribution for general endowment care is invalid by reason of any indefiniteness or uncertainty of the persons designated as beneficiaries, nor is the fund or any contribution to it invalid as violating any law against perpetuities or the suspension of the power of alienation of title to property.

(Amended by Stats. 1951, Ch. 176.)

8738. An endowment care cemetery is one which has deposited in its endowment care fund the minimum amounts heretofore required by law and shall hereafter have deposited in its endowment care fund at the time of or not later than completion of the initial sale not less than the following amounts for plots sold or disposed of:

(a) Eighty-five cents (\$0.85) a square foot for each grave;

(b) Ten dollars (\$10) for each niche;

(c) Forty dollars (\$40) for each crypt; provided, however, that for companion crypts, there shall be deposited forty dollars (\$40) for the first crypt and twenty dollars (\$20) for each additional crypt.

(Added by Stats. 1939, Ch. 339; amended by Stats. 1951, Ch. 176, by Stats. 1957, Ch. 1635, and by Stats. 1961, Ch. 480.)

8738.1. In addition to the requirements of Section 8738 any endowment care cemetery hereafter established shall also have deposited in its endowment care fund the additional sum of twenty-five thousand dollars (\$25,000) before disposing of any plot or making any sale thereof.

(Added by Stats. 1951, Ch. 176.)

8738.2. The endowment care fund under the provisions of this code shall be kept separate and apart from all other cemetery funds. Separate records and books shall be kept of the endowment care fund. The amount to be deposited in the endowment care fund shall be separately shown on the original purchase agreement and a copy delivered to the purchaser. In the sale of cemetery property, no commission shall be paid a broker or salesman on the amount deposited by the purchaser in the fund.

(Added by Stats. 1955, Ch. 595.)

8739. A nonendowment care cemetery is one that does not have deposited in an endowment care fund the minimum amounts required by law.

(Added by Stats. 1939, Ch. 339; amended by Stats. 1951, Ch. 176.)

8739.1. Any cemetery hereafter established shall be an endowment care cemetery.

(Added by Stats. 1955, Ch. 595.)

8740. A cemetery which otherwise complies with Section 8738 may be designated an endowment care cemetery even though it contains a small section which may be sold without endowment care, if the section is separately set off from the remainder of the cemetery and if signs are kept prominently placed around the section designating the same as a "nonendowment care section" in legible black lettering at least four inches high. There shall be printed at the head of all contracts, agreements, statements, receipts and certificates of ownership or deeds referring to plots in the section the phrase "nonendowment care" in lettering of a size and style to be approved by the State Cemetery Board.

No new "nonendowment care" sections shall be established, nor an existing one enlarged in an endowment care cemetery.

(Added by Stats. 1939, Ch. 339; amended by Stats. 1951, Ch. 176, and by Stats. 1955, Ch. 595.)

8741. Each endowment care cemetery shall post in a conspicuous place in the office or offices where sales are conducted and in a conspicuous place at or near the entrance of the cemetery or its administration building and readily accessible to the public, a legible sign which shall contain the following information in the order and manner set forth below:

(a) A heading containing the words "endowment care"—which shall appear in a minimum of one-inch letters.

(b) The statement, "This is an endowment care interment property."

(Added by Stats. 1939, Ch. 339; amended by Stats. 1951, Ch. 176, by Stats. 1957, Ch. 1635, and by Stats. 1959, Ch. 598.)

8742. (Added by Stats. 1939, Ch. 339; repealed by Stats. 1951, Ch. 176.)

8743. Each nonendowment care cemetery or the State Cemetery Board shall post in a conspicuous place in the office or offices where sales are conducted and in a conspicuous place at or near the entrance of the cemetery or its administration building and readily accessible to the public, a legible sign with lettering of a size and style to be approved by the State Cemetery Board which shall contain the following information in the order and manner set forth below:

(a) A heading containing the words "nonendowment care."

(b) This is a nonendowment care interment property.

(Added by Stats. 1939, Ch. 339; amended by Stats. 1951, Ch. 176.)

8744. There shall be printed at the head of all contracts, agreements, statements, receipts, literature and other publications of nonendowment care cemeteries the following form:

"This institution is operated as a 'nonendowment care' interment property." The phrase "nonendowment care" shall be of a size and style to be approved by the State Cemetery Board.

(Added by Stats. 1939, Ch. 339; amended by Stats. 1951, Ch. 176.)

8745. All the information appearing on the signs and report filed in the cemetery office shall be revised annually and verified by the president and secretary, or two officers authorized by the cemetery authority.

(Added by Stats. 1939, Ch. 339.)

8746. Any person, partnership, corporation, association, or his or its agents or representatives, who shall violate any of the provisions of this article, or make any wilful or false statement appearing on said sign, contract, agreement, receipt, statement, literature or other publication shall be guilty of a misdemeanor.

(Added by Stats. 1939, Ch. 339.)

8747. It shall be unlawful for a cemetery authority, its officers, employees or agents, or a cemetery broker or salesman to represent that an endowment care fund or any other fund set up for maintaining care is perpetual or permanent.

(Added by Stats. 1951, Ch. 176.)

8747.5. Each cemetery shall at all times maintain and keep within the State of California all books, accounts, records, cash and evidences of investments of its general and special care funds. They shall be readily available for inspection and examination by the State Cemetery Board in accordance with the provisions of the Business and Professions Code.

(Added by Stats. 1955, Ch. 595.)

8748. Where an endowment care mausoleum or mausoleum-columbarium is operated within an endowment care cemetery and the cemetery corporations or cemetery authorities owning or operating each merge and consolidate into one cemetery authority or corporation, the endowment care funds established by each may be consolidated and merged into one endowment care fund. Such merger shall be accomplished by the execution of a declaration of trust by the successor cemetery authority or corporation, which declaration shall provide:

(a) That the assets of each endowment care fund shall be merged and consolidated into one endowment care fund which shall be held and administered by the directors of the successor cemetery authority or the trustees appointed by them for the care, maintenance, and embellishment of both cemeteries in accordance with the provisions of this code.

(b) That the income from such endowment care funds shall be used for the general care, maintenance, and embellishment for the cemetery as a whole, or, if the income from such consolidated fund is to be divided between such mausoleum or mausoleum-columbarium and cemetery, the proportion or manner in which it is to be divided.

(c) That it accepts and will administer all special care funds for the purpose for which they were established and in accordance with the provisions of this code.

The declaration of trust shall be approved by all of the trustees of each endowment care fund and by the directors of

the cemetery authority or corporation appointing such trustees, which approval shall be endorsed upon such declaration of trust. The declaration of trust shall not be effective unless and until approved by the State Cemetery Board.

An executed copy of such declaration of trust so approved shall be filed with the State Cemetery Board and in the office of the cemetery authority or corporation owning or operating such cemetery, where it shall be available for inspection by any owner of property therein.

Upon approval of the declaration of trust by the State Cemetery Board, the assets and liabilities of such endowment care funds shall be deemed merged and consolidated into one endowment care fund, and the trustees of, or appointed by, the cemetery authority or corporation handling such funds shall be immediately vested with the title to all of the assets and subject to all of the liabilities thereof. The trustees of the endowment care funds which have been thus merged or consolidated shall be relieved of any obligations or duties arising subsequent to such merger or consolidation.

(Added by Stats. 1953, Ch. 1161.)

Article 3. Investment of Endowment Funds

(Article heading amended by Stats. 1951, Ch. 176.)

8750. Endowment care funds shall not be used for any purpose other than to provide through income only for the reserves authorized by law and for the endowment care of the cemetery in accordance with the resolutions, by-laws, rules and regulations or other actions or instruments of the cemetery authority.

(Amended by Stats. 1951, Ch. 176.)

8751. The funds shall be invested and reinvested, and kept invested in:

(a) Bonds of the United States or this State, or of any county, city and county, or city in this State.

(b) Bonds legal for investment for savings banks in this State.

(c) First mortgages or first trust deeds on improved real estate.

(d) Income producing improved real estate in any city or county in this State.

(e) Investment certificates in any building and loan association organized, existing and doing business under the laws of this State.

(f) Investments of the type enumerated for domestic incorporated insurers in Article 3, Chapter 2, Part 2, of Division 1 of the Insurance Code of this State.

(g) By deposit in a bank which is insured by the Federal Deposit Insurance Corporation.

(h) Shares of a duly chartered and insured Federal Savings and Loan Association.

(Amended by Stats. 1939, Ch. 339.)

8751.1. In addition to the requirements of Section 8751, the funds may be invested and reinvested and kept invested in investments of the type and in the manner as provided in Section 2261 of the Civil Code.

(Added by Stats. 1951, Ch. 176.)

Article 4. Special Care

8775. A cemetery authority which has established an endowment care fund may also take and hold any property bequeathed, granted, or given to it in trust to apply the principal, or proceeds, or income to either or all of the following purposes:

(a) Improvement or embellishment of all or any part of the cemetery or any lot in it.

(b) Erection, renewal, repair, or preservation of any monument, fence, building, or other structure in the cemetery.

(c) Planting or cultivation of trees, shrubs, or plants in or around any part of the cemetery.

(d) Special care or ornamenting of any part of any plot, section, or building in the cemetery.

(e) Any purpose or use not inconsistent with the purpose for which the cemetery was established or is maintained.

(Amended by Stats. 1951, Ch. 176.)

8776. The sums paid in or contributed to the fund authorized by this article are hereby expressly permitted as and for a charitable and eleemosynary purpose. Such contributions are a provision for the discharge of a duty due from the persons contributing to the person or persons interred or to be interred in the cemetery and likewise a provision for the benefit and protection of the public by preserving, beautifying, and keeping cemeteries from becoming unkept and places of reproach and desolation in the communities in which they are situated. No payment, gift, grant, bequest, or other contribution for such purpose is invalid by reason of any indefiniteness or uncertainty of the persons designated as beneficiaries in the instruments creating the fund, nor is the fund or any contribution to it invalid as violating any law against perpetuities or the suspension of the power of alienation of title to property.

Article 5. Misrepresentation as to Endowment

(Article heading amended by Stats. 1951, Ch. 176)

8780. Every person who sells, offers for sale, or advertises any plot under representation that the plot is under endowment care, before an endowment care fund has been established for the cemetery in which the plot is situated, is guilty of a misdemeanor.

(Amended by Stats. 1951, Ch. 176.)

CHAPTER 6. REINCORPORATION OF CEMETERY ASSOCIATIONS

8800. When the corporate existence of a cemetery association expires or has expired, and the directors, trustees, or persons in control of the association cause it to continue to exercise its functions, if the cemetery association was a non-stock corporation it may reincorporate by filing with the Secretary of State articles of reincorporation and a certificate of intention to reincorporate pursuant to this chapter.

8801. The articles of reincorporation shall state:

- (a) The name of the reincorporating cemetery association.
- (b) The purposes for which it is formed.
- (c) The county in which the principal office for the transaction of the business of the association is to be located.
- (d) The stock, certificate, or membership structure.
- (e) The names and addresses of the persons, not less than three, who are appointed to act as first directors or trustees of the reincorporated association.
- (f) The name of the former association which is being reincorporated.

(g) Any provisions allowed by law to be stated in articles of incorporation.

8802. The certificate of intention to reincorporate shall contain or have annexed to it by exhibit:

- (a) A statement showing the period the association has acted in a de facto capacity.
- (b) A statement of the names, number, length of service in that capacity, and compensation of directors, trustees or persons in control of the association.
- (c) A statement of the number of membership certificates issued during the de facto period, and the amount paid for them.
- (d) A copy of the resolution of intention to reincorporate with a certificate of the person acting as secretary, showing that it was adopted by a majority of the acting directors, trustees, or persons in control at the time.
- (e) A statement that the association failed to reincorporate prior to expiration of the period of corporate existence under the last articles filed by it.

(Amended by Stats. 1949, Ch. 36.)

8803. If the Secretary of State finds that the articles of reincorporation and the certificate comply with the provisions of this chapter, he shall file them in his office and indorse on them the date of filing.

8804. The corporate existence under the articles of reincorporation begins at the time of the filing of the articles and continues perpetually unless otherwise provided by law.

8805. A certified copy of the articles of reincorporation shall be filed with the county clerk of the county in which the principal office of the association is located, and in every county in which the association owns real property.

8806. Upon reincorporation all of the assets and real and personal property of the cemetery association whose corporate existence has expired vests, by operation of law, in the reincorporated cemetery association. The reincorporated association succeeds to all rights and obligations of the former association and all members or certificate holders in the former association are members or certificate holders in the reincorporated cemetery association.

CHAPTER 7. ABANDONMENT

(Chapter 7 added by Stats. 1957, Ch. 862)

8825. A city or county having a nonendowment care cemetery within its boundaries which threatens or endangers the health, safety, comfort or welfare of the public may, by resolution of its governing board, if not more than 10 human dead bodies have been interred therein for a period of five years immediately preceding the date of the resolution, declare the abandonment of the cemetery as a place of future interment and provide for the removal of such copings, improvements, and embellishments which the governing board finds to be a threat or danger to the health, safety, comfort, or welfare of the public.

(Added by Stats. 1957, Ch. 862; amended by Stats. 1959, Ch. 1241.)

8826. The resolution for abandonment adopted under the provisions of this chapter shall specify and declare that at any time after the expiration of 60 days after the first publication of notice of declaration of intended abandonment, the city or county in which the cemetery is located will remove such copings, improvements, and embellishments which are found to be a threat or danger to the health, safety, comfort, or welfare of the public. Notice shall be given to all persons interested therein by publication in a newspaper of general circulation published in the county or city. Publication shall be pursuant to Section 6064 of the Government Code.

(Added by Stats. 1957, Ch. 862; amended by Stats. 1959, Ch. 1241.)

8827. After the publication mentioned in Section 8826 of this code and after the expiration of the 60 days specified in the notice, the city or county shall remove such copings, improvements, and embellishments which have been found to be a threat or danger to the health, safety, comfort, or welfare of the public.

(Added by Stats. 1957, Ch. 862; amended by Stats. 1959, Ch. 1241.)

8828. After the work which the governing body, in its discretion, finds necessary and practicable has been completed, the governing body shall immediately thereafter, by resolution, dedicate such abandoned cemetery as a pioneer memorial

park and forthwith cause to be erected a suitable central memorial honoring those who have been interred in the cemetery.

(Added by Stats. 1957, Ch. 862; amended by Stats. 1959, Ch. 1241.)

8829. Thereafter the city or county shall maintain said pioneer memorial park so that it will not endanger the health, safety, comfort, or welfare of the public.

(Added by Stats. 1957, Ch. 862.)

PART 4. PUBLIC CEMETERY DISTRICTS

CHAPTER 1. GENERAL PROVISIONS

8890. Public cemetery districts consisting of contiguous lands in one or more counties may be formed pursuant to this part.

8891. "District," as used in this part, means any public cemetery district organized pursuant to this part or pursuant to any law which it supersedes.

8892. "Trustees," as used in this part, means the board of trustees of a district.

CHAPTER 2. PETITION

8900. Fifty or more citizens who are owners of land located within a proposed district, whose names appear as owners upon the last completed assessment roll of the county in which a majority of the acreage of the proposed district is situated, may petition for the organization of a district.

8901. The petition shall definitely describe the boundaries of the proposed district and request that the territory within the boundaries be organized into a district.

8902. The petition shall be presented to the board of supervisors of the county in which a majority of the acreage of the proposed district is situated, at a regular or special meeting of the board.

8903. The petition may consist of any number of separate instruments, which, except as to signatures, shall be duplicates.

CHAPTER 3. NOTICE OF HEARING

8910. The board of supervisors, by resolution, shall fix a time for hearing the petition not less than two nor more than five weeks from the time of presentation, and shall cause notice to be given at the time and place of hearing, by publication in some newspaper of general circulation, printed and published in the county, for not less than two weeks prior to the time of hearing.

8911. The notice shall contain a copy of the petition, but the names attached to the petition need not be included in the notice or publication.

8912. The notice shall state that any person residing in or owning property within the proposed district or within any existing cemetery district, any part of the territory of which is described in the petition, may appear before the board at the hearing, and show cause why the petition should not be granted, or why the proposed boundaries should be changed.

CHAPTER 4. HEARING

8920. At the time fixed for hearing, the board of supervisors shall hear the petition and shall determine by resolution whether or not it complies with this part and whether or not notice has been published as required. The board shall hear all competent and relevant testimony offered in support of or in opposition to the petition.

8921. The hearing may be adjourned from time to time, not exceeding two weeks in all.

8922. No defect in the contents of the petition or in the title to or form of the notice or in the signatures vitiates any proceeding if the petition has sufficient qualified signatures.

8923. A finding of the board of supervisors in favor of the genuineness and sufficiency of any petition presented to it pursuant to this part, and a finding that due notice of hearing has been given, is final and conclusive against all persons except the State of California, upon suit commenced by the Attorney General. Any such suit shall be commenced within one year after the order of the board of supervisors declaring the district organized.

8924. If the board of supervisors determines that the petitioners have complied with this part and that the notice has been published as required, it shall proceed to a final hearing.

8925. The board shall make such changes in the boundaries of the proposed district as it deems advisable and shall define and establish the boundaries, and may include any territory described in the petition which is within the boundaries of an existing cemetery district, and, if so included by the board, the territory, upon the organization of the proposed district, shall cease to be a part of the existing district.

8926. Any person residing or owning property within the proposed district or within an existing cemetery district may appear before the board of supervisors at the hearing, in person or by attorney or agent, and oppose the creation of the district or request a change in its boundaries and may produce evidence in support of his opposition or request.

CHAPTER 5. PROTEST AND ELECTION

8930. Registered voters within the boundaries of the proposed district, equal in number to at least 10 per cent of the number of votes cast for the office of Governor at the last preceding gubernatorial election, or the owners of more than 10

per cent of the total assessed valuation of the land in the proposed district may appear at the hearing, in person, or by attorney or agent, and protest the creation of the district or request a change in its boundaries.

8931. Before any new district is created, the board shall call a special election to determine whether or not the district shall be created.

(Amended by Stats. 1941, Ch. 933.)

8932. If the election is called, the board shall, in its order, specify the time and place for the election, the voting places and the number of precincts within the district, if in the judgment of the board more than one voting place is necessary, and shall, in its order, appoint and designate two judges and one clerk for each polling place.

8933. The election officials shall be qualified electors of the district, and shall conduct the election.

8934. The election shall be held in all respects as nearly as practicable in conformity with the general election law.

8935. A new register or legal ballot paper shall not be required. The polls shall be open from 8 o'clock a.m. to 7 o'clock p.m., on the day appointed for the election.

8936. The ballots shall contain the words "Cemetery District, Yes" and "Cemetery District, No."

8937. The judges of the election shall within 24 hours after the closing of the election, make return of and certify the votes to the board, showing the total number of votes cast, the number of votes in favor of and the number of votes against creation of the district.

8938. If two-thirds or more of the votes are cast in favor of the formation of the district, the board of supervisors shall proceed with the organization.

(Amended by Stats. 1941, Ch. 933.)

8939. If more than one-third of the votes are cast against the formation of the district, all further action by the board under the petition shall cease, and no further or other petition for the organization of a cemetery district in the territory specified in the petition shall be received or acted upon within six months after the election.

(Amended by Stats. 1941, Ch. 933.)

8940. Upon conclusion of the canvass of the ballots of the election, if one is held, and if the returns of the election are favorable to the formation of a district, and upon conclusion of the hearing of the matter, if no election is held, the board shall, by an order entered in its minutes, approve the petition as originally presented or as modified, and declare the territory embraced within the boundaries established by the board organized as a district.

8941. The board shall then cause a certified copy of the order to be immediately filed for record in the office of the county recorder of the county. From and after the filing, the organization of the district is complete.

CHAPTER 6. GOVERNMENT

8950. The district shall be governed and managed by three or five trustees, as specified in the petition for the formation of the district. The trustees shall be appointed by the board of supervisors of the county, or if the district is in more than one county, by the supervisors of the county in which the largest portion of the district is located. The number of trustees of a district may be increased from three to five by the board of supervisors upon petition by a majority of the trustees of the district.

(Amended by Stats. 1959, Ch. 876.)

8950.5. Notwithstanding the provisions of Section 8950, the board of supervisors may, by resolution or order entered upon its minutes, provide that it shall act as the board of trustees of the district. If the district is in more than one county, such resolution or order shall be passed by the board of supervisors of the county in which the largest portion of the district is located. After the adoption of a resolution or making of an order pursuant to this section, the board of supervisors is the governing body of the district and the terms of any trustees appointed pursuant to Section 8950 shall terminate immediately, irrespective of the provisions of Section 8952.

(Added by Stats. 1961, Ch. 1726.)

8951. The trustees shall be appointed from the electors residing within the district.

8952. The trustees shall hold office for four years and until the appointment and qualifications of their successors, and shall serve without compensation; but the necessary expenses of each trustee for actual traveling in connection with meetings or business of the board of trustees shall be allowed and paid.

(Amended by Stats. 1961, Ch. 281.)

CHAPTER 7. POWERS

8960. A cemetery district may adopt and use a common seal and may sue and be sued by its name.

8961. The district may maintain a cemetery or cemeteries, limited in use to burial in the ground of residents or taxpayers of the district or former residents or taxpayers of the district who purchased lots or plots while residents or taxpayers of the district or members of their families. Families shall be limited to a spouse, parents, grandparents, children and brothers and sisters.

(Amended by Stats. 1957, Ch. 1222, and by Stats. 1959, Ch. 1140.)

8961.1. The provisions of Section 8961 of this code notwithstanding, any cemetery maintained by a public cemetery district may be used for the burial within the ground of a deceased nonresident of any such district; provided expressly, that the interment of such deceased nonresident has occurred prior to the effective date of this enactment. The use of any

such cemetery shall also be extended to the burial of the members of the family of any such deceased nonresident of the district which last-named decedent was interred within such cemetery prior to the effective date of this enactment. The use of any such cemetery for the burial of the said members of the family of a deceased nonresident of the district, which last-named decedent was interred prior to the effective date of this enactment, shall extend to the burial of the said members of the family whether interred before or after the effective date of this enactment.

Except as herein specifically provided, the use of any cemetery maintained by any public cemetery district shall be expressly limited by the provisions of Section 8961 of this code.

(Added by Stats. 1957, Ch. 473.)

8961.2. Where private facilities are not available within a radius of 15 miles of decedent's residence, a decedent not otherwise eligible for burial within a cemetery of the district may be interred therein and the district shall charge a rate therefor which shall be sufficient to reimburse the district for the cost of the grave and the cost of services, and shall require a minimum deposit to the endowment care fund, if one exists, in the amount set forth in Section 8738 of this code or any amendments thereto. The foregoing requirement as to charges shall not be applicable to the burial of indigents at public expense who may be interred at such rates as may be fixed by the public agency responsible for the burial.

(Added by Stats. 1957, Ch. 1222; amended by Stats. 1959, Ch. 1139.)

8961.3. Interment in a district cemetery under the provisions of Section 8961.2 shall be permitted only if both of the following conditions exist:

(a) Decedent was a resident of this State at the time of his death.

(b) There is no private cemetery nearer to decedent's place of residence than the nearest district cemetery, the distances measured in a straight line from the decedent's place of residence to the nearest private cemetery and the nearest district cemetery.

The district which maintains the cemetery nearest in a straight line to decedent's place of residence shall allow the interment of the decedent in the cemetery if the charges prescribed by Section 8961.2 are paid. Any other district may permit the interment of such decedent in a cemetery which it maintains upon payment of such charges.

(Original 8961.3 amended and renumbered 8961.7. Present 8961.3 added by Stats. 1959, Ch. 997.)

8961.4. The board of trustees shall establish rates to be charged for burials within cemeteries of the district, which rates shall insofar as possible, be established at an amount which will permit that portion of the cemetery in which the grave is located to be maintained on a self-supporting basis and shall be such as will at least reimburse the district for the

cost of the grave and the cost of services, and the board shall require a minimum deposit in the endowment care fund if one exists in the amount set forth in Section 8738 of this code or any amendments thereto.

(Added by Stats. 1957, Ch. 1222; amended by Stats. 1959, Ch. 1141.)

8961.5. No deposit is required in the endowment care fund of a district for any burial in a cemetery of the district if the endowment care fund of the district was established and created subsequent to September 11, 1957, and the board of trustees of the district adopt a resolution declaring that such deposits shall not be required.

(Added by Stats. 1959, Ch. 1605. In effect July 7, 1959.)

8961.6. Notwithstanding the provisions of Sections 8961 to 8961.4, inclusive, a district may contract with the county in which the district is located to bury any nonresident indigents for the county if the trustees determine that there is more space available in the cemetery of the district than is necessary to meet the foreseeable needs of the district.

The contract shall require the county with which it is made to pay all costs incident to the burial of any such indigent in the cemetery of the district and to pay a minimum deposit in the endowment care fund, if one exists, in the amount set forth in Section 8738 of this code or any amendments thereto or to pay any future costs incurred by the district in maintaining the grave of the indigent.

(Added by Stats. 1963, Ch. 1157.)

8961.7. A district formed prior to the adoption of this section may acquire, and maintain a mausoleum if construction thereof was completed at least 10 years prior to May 1, 1947; provided, however, that such district may construct additions to such a mausoleum for crypt entombment.

(Formerly 8961.3. Added by Stats. 1947, Ch. 870; amended by Stats. 1949, Ch. 868; amended and renumbered 8961.7 by Stats. 1959, Ch. 997.)

8962. The district may maintain and care for all public streets, alleys, ways, and places, in any cemetery within the district, and for these purposes may take and hold title to property by grant, gift, devise, lease, or any other method.

8963. The district may do all acts necessary or proper for the carrying out of the purposes of this part, including the selling or leasing of burial lots.

The trustees shall prepare or cause to be prepared and shall maintain an up-to-date map of the cemetery showing by section and lot number which lots have been sold or leased for burial purposes and which lots are still owned by the district and available for sale or lease.

(Amended by Stats. 1943, Ch. 579.)

8963.5. A district may convey any cemetery of the district to any cemetery authority upon such terms and conditions and for such consideration as the trustees determine are in the best interests of the district. Any cemetery which is conveyed to a

cemetery authority by a district pursuant to this section shall be maintained by the cemetery authority as an endowment care cemetery in accordance with the provisions of Sections 8738 and 8738.1 of this code.

(Added by Stats. 1961, Ch. 819.)

8964. The trustees shall make proper rules and regulations for the management of the cemeteries under their control, and all laws relating to cemeteries, and not inconsistent with this part, apply to the cemeteries provided for in this part.

8965. It shall be unlawful for any officer or employee of the district to engage in private business of selling monuments or markers.

(Added by Stats. 1947, Ch. 503.)

8966. Nothing in this chapter shall be construed as permitting the district to engage in the business of selling monuments or markers.

(Added by Stats. 1947, Ch. 503.)

8967. The trustees may dedicate to the State of California, or any political subdivision or municipal corporation thereof, for public street or highway purposes, either with or without consideration, any real property belonging to the district in which no burial lots have as yet been either sold or leased and which real property is not then needed by the district; and may dedicate to the State, or any political subdivision or municipal corporation thereof, either with or without consideration, an easement to lay, construct, maintain, or operate irrigation, sewer, or storm drain pipes or ditches over and upon any real property belonging to the district in which no burial lots have as yet been either sold or leased and which real property is not then needed by the district.

(Added by Stats. 1955, Ch. 402.)

8967.5. Before ordering the dedication of any property, the trustees shall in a regular open meeting by a two-thirds vote of all its members adopt a resolution declaring its intention to dedicate the property or easement. The resolution shall describe the property proposed to be dedicated and shall fix a time not less than 10 days thereafter for a public hearing of the trustees to be held at its regular place of meeting upon the question of making the dedication.

(Added by Stats. 1955, Ch. 402.)

8968. Notice of the adoption of the resolution and of the time and place of holding the hearing shall be given by posting copies of the resolution signed by the members of the board of trustees or by a majority thereof, in three public places in the district not less than 10 days before the date of the hearing, and by publishing the notice pursuant to Section 6061 of the Government Code not less than five days before the date of the hearing in a newspaper of general circulation published in the county in which the district or any part thereof is situated and having a general circulation in the district.

(Added by Stats. 1955, Ch. 402; amended by Stats. 1957, Ch. 357.)

8968.5. The trustees shall hold the hearing at the time and place fixed in the resolution, and the board of trustees may at the hearing, or at any meeting of the board of trustees held within 60 days thereafter, unless a protest is entered as provided in Section 8969, adopt a resolution by a two-thirds vote of all its members authorizing and directing either the president, any other presiding officer, the secretary, or the members of the board of trustees to execute a deed of dedication of the property and to deliver it. Upon the delivery and acceptance of the deed, the dedication or conveyance is fully effective.

(Added by Stats. 1955, Ch. 402.)

8969. If a written protest is filed with the trustees by 10 percent of the qualified electors of the district, as shown by the affidavit of one of the petitioners, prior to the time fixed for the hearing, no further proceedings shall be taken on the proposed dedication.

(Added by Stats. 1955, Ch. 402.)

8969.5. The trustees shall have the power to execute and deliver quitclaim deeds to real property adjacent to the property of the cemetery district, for the purpose of removing defects in and otherwise clearing up the title to such adjacent real property.

(Added by Stats. 1961, Ch. 1360.)

CHAPTER 8. FINANCE AND TAXATION

Article 1. Estimate of Expenses

8970. The trustees shall annually, at or before the time fixed by law for filing estimates of expenditures, estimate and certify to the board of supervisors of the county in which the district is situated, the amount of money necessary to be raised by taxation for maintaining the cemetery of the district, and for the acquisition of property necessary for the purposes of the district during the ensuing fiscal year.

8971. If the district is in more than one county, the total estimate shall be divided by the board of trustees in proportion to the value of the real property of the district in each county.

8972. This value shall be determined from the equalized values of the last assessment rolls of the counties.

8973. When the division of the estimate has been made, the trustees shall certify to the board of supervisors of the respective counties that part of the estimate apportioned to each county.

Article 2. Taxation

8980. The board of supervisors of each county in which is situated all or any part of a district shall annually, at the time of levying county taxes, levy a tax upon all the property within the district situated in the county sufficient to raise the amount so certified to the board of supervisors by the trustees.

8981. The tax so levied shall not exceed two mills on each dollar of assessed valuation of the property in the district.

8982. The tax shall be collected by the same officers and in the same manner as other county taxes, and the money and all other money received by the trustees, shall be paid into the county treasury and constitute a separate fund. The fund shall be expended solely for the purposes of the cemetery district upon warrants issued by the county auditor on orders signed by not less than two of the trustees.

All money received or collected by the trustees shall be paid into the county treasury on or before the fifth day of the month following the month in which the same was received or collected.

(Amended by Stats. 1943, Ch. 579.)

8983. If the district is in more than one county, the treasurer of the county in which the district was organized shall be the repository of all the funds of the district. For this purpose the treasurers of any other counties in which is situated a portion of the district, shall, at any time, but not oftener than twice each year, upon the order of the trustees, settle with the trustees and pay over to the treasurer of the county in which the district was organized, all money in their possession belonging to the district.

8984. The treasurer of the county in which the district was organized shall receive and receipt for the money and place it to the credit of the district. He is responsible upon his official bond for the safekeeping and disbursement of all money of the district held by him.

8985. All funds on hand, accruing from a previous assessment, in the treasury of any unit of the proposed district or district already in existence, or that may be accumulated through gift, bequest, or assessment, shall be paid over to the county treasurer of the county in which the district was organized.

Article 3. Trustees Report

8990. As soon after the first day of July in each year as practicable, the trustees shall file with the board, or boards of supervisors if the district is situated in more than one county, a report, setting forth all their transactions during the fiscal year, and containing an itemized account of all their receipts and disbursements during the fiscal year together with proper vouchers for them.

8991. The board of supervisors, or boards of supervisors if the district is situated in more than one county, may provide by an order entered upon the minutes of the board, or upon the minutes of each board, that, in lieu of the trustees report required by Section 8990, the trustees shall file with the board, or each board, a verified copy of the audit report of the annual audit of the district made pursuant to Section 26909 of the Government Code.

(Added by Stats. 1959, Ch. 1424.)

Article 4. Perpetual [Endowment] Care Fund

9000. The trustees may, upon a two-thirds vote, establish and create a fund to be known as "the endowment care fund," and for this purpose may set aside, use, and apply from any unexpended funds such sum as in the judgment of the trustees may be necessary or expedient to provide for the endowment care of the burial lots in the cemetery and for this purpose may receive property by grant, gift, devise, or any other method.

(Amended by Stats. 1951, Ch. 176.)

9001. No part of the tax levy shall be used for the endowment care fund.

(Amended by Stats. 1951, Ch. 176.)

9002. The trustees may invest and reinvest the principal of the fund in such income producing securities as may be approved by the treasurer and the district attorney of the county in which the district is situated.

9003. No part of the principal of the fund shall be expended for the care of the lots, but such expenditures shall be limited to the income from the fund.

9004. The trustees shall annually on or before the first day of July, file with the board of supervisors of the county in which the district is situated, an itemized report of the receipts and expenditures from the fund.

9005. All money received from the income of the fund shall be deposited in the county treasury of the county in which the cemetery is situated, in the endowment care fund. This fund shall be expended solely for the purpose specified upon warrants issued by the county auditor on orders signed by not less than two of the trustees.

(Amended by Stats. 1951, Ch. 176.)

Article 5. Claims

(Article 5 added by Stats. 1959, Ch. 1727)

9010. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727; amended by Stats. 1963, Ch. 1715. See note following Section 954.)

CHAPTER 9. ANNEXATION OF TERRITORY

Article 1. Petition

9025. The boundaries of any district may be altered and outlying territory, whether in one or more counties, may be annexed as provided in this chapter.

9026. Fifty or more freeholders within the territory proposed to be annexed, or a majority of freeholders if there are less than 100 within the territory proposed to be annexed, may present a petition for annexation of territory to the

board of supervisors of the county in which the district is situated, or if the district is in more than one county, to the board of supervisors of the county in which the largest portion of the district is situated.

9027. The petition shall designate the boundaries of contiguous territory proposed to be annexed.

Article 2. Notice and Hearing

9050. At the first regular meeting after the presentation of the petition, the board of supervisors shall cause notice of the petition to be published in a newspaper published and circulated in the territory sought to be annexed, if there is such a newspaper, otherwise, by posting copies of the notice in three of the most conspicuous places in the territory proposed to be annexed, for three weeks prior to the date to be fixed by the board for hearing the petition.

9051. Upon the date fixed for hearing, or to which it may be continued, the board of supervisors shall consider the petition and any objections which may be filed to the inclusion of property in the district.

9052. The board of supervisors, by order entered on its minutes, may grant the petition either in whole or in part, and, by order entered on its minutes, may alter the boundaries of the district and annex all, or such portion of the territory described in the petition as will be benefited by inclusion in the district.

9053. (Repealed by Stats. 1941, Ch. 933.)

9054. Territory which will not be benefited, or which is not contiguous to the district, or which is not described in the petition, shall not be included in the district.

9055. No territory shall be annexed except upon an affirmative vote of two-thirds or more of the qualified electors of said territory at an election which shall be called, noticed, conducted, and the results determined as provided in this part for elections on formation of districts. If two-thirds or more of the votes at such election are in favor of annexation the board shall make an order declaring the territory annexed to the district and thereafter said territory shall be a part of the district, and, with the rest of the district, liable for all taxes to be levied for the operation and maintenance of the district.

(Added by Stats. 1941, Ch. 933.)

CHAPTER 10. WITHDRAWAL OF TERRITORY

Article 1. Petition

9075. Any portion of a district which will not be benefited by remaining within the district may be withdrawn as provided in this chapter.

9076. Fifty or more freeholders residing in, or owning property within the portion desired to be withdrawn from a

district or a majority of freeholders, if there are less than 100 freeholders within the portion sought to be withdrawn, may request withdrawal of that portion from the district on the ground that that portion will not be benefited by remaining in the district.

Article 2. Notice and Hearing

9077. The board of supervisors shall fix a time for the hearing of the petition and for hearing protests to the continuance of the remaining territory as a district, which shall not be less than 10 nor more than 60 days after the receipt of the petition. The board shall, at least 30 days prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper, circulated in the district, which the board deems most likely to give notice to the inhabitants of the proposed withdrawal.

9078. Any person interested may appear at the hearing and object to the withdrawal of that portion from the district, and may object to the continuance of the remaining territory as a district, and the board of supervisors shall consider all objections and shall pass upon the petition and objections and if it finds that that portion of the district sought to be withdrawn, or any portion thereof, will not be benefited by remaining within the district, and that the territory not sought to be withdrawn will be benefited by continuing as a district, it shall grant the petition, either in whole or in part.

(Amended by Stats. 1961, Ch. 289.)

CHAPTER 11. EFFECT ON PREVIOUS LAWS

9100. No right or obligation of a cemetery district formed and operating pursuant to the provisions of Chapter 106, Statutes of 1909, as amended, is affected by the repeal of that act, but any district so organized and operating may continue in existence only subject to this part.

(Amended by Stats. 1941, Ch. 933.)

CHAPTER 12. ABANDONMENT

(Chapter 12 added by Stats. 1941, Ch. 715)

Article 1. Abandonment of Cemeteries

(Article heading added by Stats. 1961, Ch. 284)

9201. Any public cemetery district may acquire, by grant, gift, or any other method, any nonperpetual care cemetery existing in the district at the time of its formation in which there has not been interred any human dead for the period of twenty (20) years.

(Added by Stats. 1941, Ch. 715; amended by Stats. 1945, Ch. 936.)

9202. (Added by Stats. 1941, Ch. 715; amended by Stats. 1943, Ch. 760; repealed by Stats. 1945, Ch. 936.)

9203. Any public cemetery district having acquired a cemetery within its district boundary lines, as hereinbefore provided, may, by resolution of its board of directors, if no human dead have been interred therein for a period of twenty (20) years immediately preceding the date of the resolution, declare the abandonment in whole or in part of the cemetery as a burial place for the human dead and for the removal of human remains interred therein to another cemetery or cemeteries within the boundaries of the district as in this chapter provided.

(Added by Stats. 1941, Ch. 715; amended by Stats. 1943, Ch. 760.)

9204. Any resolution or declaration for abandonment and removal duly adopted and made under the provisions of this chapter shall specify and declare that at any time after the expiration of two months after the first publication of the notice of declaration of abandonment and removal required to be published, as in this chapter set forth, the human remains then remaining in the cemetery or part thereof will be removed by the district owning or controlling the cemetery.

(Added by Stats. 1941, Ch. 715.)

9205. Notice of the declaration of abandonment and the proposed removal of the human remains from any abandoned cemetery, or part thereof, shall be given, to all persons interested therein, by publication in a newspaper of general circulation published within the public cemetery district and most likely to give notice to the parties concerned. If no newspaper of general circulation is published in the district, then publication shall be made in a newspaper of general circulation published in the county within which the district is located. Publication shall be made once a week for four consecutive times. The notice shall be entitled "Notice of the Declaration of Abandonment of Lands for Cemetery Purposes and of Intention to Remove the Human Bodies Interred Therein" and shall specify a date not less than two months after the first publication of the notice when the district owning or controlling the cemetery lands and causing the notice to be published will proceed to remove the human remains then remaining in such cemetery, or part thereof.

(Added by Stats. 1941, Ch. 715.)

9206. Copies of the notice so published shall within 10 days after the first publication thereof be posted in at least three conspicuous places in the cemetery from which the removal of the human remains interred therein are to be made, and a further copy of the notice shall be mailed by registered letter to every person who owns or holds or has the right of burial in any lot, or plot in the cemetery, or part thereof, affected by the resolution or declaration of abandonment and removal, whose name appears as owner or controller upon the records of the cemetery. The notice so mailed shall be addressed to the last known post-office address of the respective lot owner or plot holder as the same appears from the records of the cemetery, and if no address appears or is known, then it shall

be addressed to such persons at the county seat of the county in which the cemetery land is situated. Notice shall be mailed to any known living heir at law of any person whose remains are interred in the cemetery when the address of the heir is known.

(Added by Stats. 1941, Ch. 715.)

9207. After the completion of the publication, posting and mailing of the "Notice of Declaration of Abandonment of Land for Cemetery Purposes and of Intention to Remove the Human Bodies Interred Therein," and after the expiration of two months as specified in the notice, the district owning or controlling the cemetery shall have power to cause the removal of all human remains interred in the cemetery, or part thereof, to be abandoned as a cemetery or burial place of the dead, and to cause the reinterment in other cemeteries in the district where burials are permitted, without further notice to any persons claiming any interest in the cemetery or part thereof, or in the remains therein interred.

(Added by Stats. 1941, Ch. 715.)

9208. At any time before the date fixed for the removal of the remains by the district owning or controlling such cemetery land, any relative or friend of any person whose remains are interred in the cemetery or part thereof, from which it is proposed to make removal may give the district proposing to make removals, written notice that he or she desire to be present when the remains of a friend or relative, are disinterred or reinterred. The notice shall state the name of the person whose remains are referred to and as accurately as possible shall describe the lot or plot where the remains are buried and the date of the burial, and shall specify an address to which the notice provided for in Section 9209 may be made. Notice may be delivered at the office or the principal place of business of the district owning or controlling the cemetery land and proposing to make removal, or may be forwarded thereto by registered mail.

(Added by Stats. 1941, Ch. 715.)

9209. Upon receipt of such notice before the date fixed for the removal of the remains by the district proposing to make removals, it shall be the duty of the district to give written notice, to the persons giving the notice provided in Section 9208, of the time when the remains shall be disinterred and of the time when and the place where the same will be reinterred. The notice shall be given by delivery thereof at the address stated in the notice referred to in Section 9208, or by mailing the same to the person giving such notice, at the address stated, delivery or mailing to be made not less than ten (10) days prior to the date specified for the disinterment of such remains. Whenever written notice shall be given by a relative or a friend of any persons interred in the cemetery lands from which removals are proposed to be made, the district owning or controlling such cemetery land and proposing to remove the bodies interred therein shall not disinter

the bodies until notice of time of such disinterment is given such relative or friend.

(Added by Stats. 1941, Ch. 715.)

9210. At any time prior to the removal, by the district owning or controlling the abandoned cemetery land, of the remains of any persons buried in the abandoned cemetery, any relative or friend of the person may voluntarily remove the remains and deposit the same as he may desire; provided, however, that the persons desiring to cause removal prior to such removal shall deliver to the district owning or controlling the abandoned cemetery, an affidavit, duly sworn to before an officer qualified to administer oaths, stating the name of the person whose remains it is desired to remove and further stating, so far as is known to affiant, the date of burial of the remains and the names and places of residence of the heirs at law of the deceased person.

(Added by Stats. 1941, Ch. 715.)

9211. In the event that the person desiring to cause such removal is not an heir at law of the person whose remains he desires to remove, removal shall not be made by him until he shall have delivered to the district owning or controlling the abandoned cemetery a written consent of a majority of the known heirs at law of the deceased person who are residents of the State of California. The statements in the affidavit shall be sufficient evidence of the numbers, names and residence of the heirs at law for all the purposes of this chapter, and the written consent of the majority of the heirs at law named in the affidavit shall be sufficient warrant and authority for the district owning or controlling the abandoned cemetery to permit the removal of the remains by such persons.

(Added by Stats. 1941, Ch. 715.)

9212. The purchaser or owner of any burial lot or plot in the abandoned cemetery, or part thereof, or of the right of burial therein or any one of the joint purchasers of any lot or plot of burial land therein may cause the removal of any person or of the remains interred in such lot or plot without the necessity of signing any affidavit of consent as specified in Section 9210.

(Added by Stats. 1941, Ch. 715.)

9213. If the right, title or interest of any grantee of any burial lot or plot of the abandoned cemetery, or the right of burial therein, shall have passed by succession to the heir or heirs at law of the grantee without formal distribution by order of court, the heir or heirs at law may remove the remains of persons interred in such lot or plot, and the affidavit of any heir at law setting out the fact of heirship shall be accepted by the district owning or controlling the abandoned cemetery land from which removals are to be made as sufficient evidence for all the purposes of this chapter of the fact of the transfer of title or right of burial to such heir, or heirs at law.

(Added by Stats. 1941, Ch. 715.)

9214. Whenever the remains of any person shall have been removed from any abandoned cemetery, or the part thereof abandoned as a burial place under the provisions of this chapter, by the district having charge or control of the abandoned cemetery lands, the remains shall be transported and reinterred in any other cemetery lands, within the boundaries of the district having charge or control of the abandoned cemetery land as provided in this chapter.

(Added by Stats. 1941, Ch. 715.)

9215. The remains of each person reinterred shall be placed in a separate and suitable receptacle and decently and respectfully interred under the rules and regulations now in force or that may be adopted by the district making removal.

(Added by Stats. 1941, Ch. 715.)

9216. Whenever the remains of any person shall be removed from any abandoned cemetery by any relative or friend of such person, under the provisions of this chapter, the persons causing such removal shall also be entitled to remove any vault, monument, headstone, coping or other improvement appurtenant to the grave from which the remains have been removed, and the affidavit or written consent given under the provisions of Section 9210 shall be sufficient warrant and authority for the district owning or controlling the abandoned cemetery to permit the removal of any vault, monument, headstone, coping or other improvement appurtenant to the grave.

(Added by Stats. 1941, Ch. 715.)

9217. Whenever the remains of any person buried in any lot or plot shall have been removed, and any vault, monument, headstone, coping or other improvement appurtenant thereto shall remain on the lot or plot for more than sixty (60) days after removal of the last human remains therefrom, the vault, monument, headstone, coping or other improvement may be removed and disposed of by the district owning or controlling the abandoned cemetery land, and thereafter no persons claiming any interest in the lot or plot or the vault, monument, headstone, coping or other improvement appurtenant thereto, shall have the right to maintain in any court, any action in relation to such vault, monument, headstone, coping or other improvement so removed or disposed of.

(Added by Stats. 1941, Ch. 715.)

9218. Whenever a cemetery or part thereof has been abandoned as a cemetery or place of burial for the human dead, as provided in this chapter, by the district owning or controlling the same, the parts or portions thereof in which no interments have been made and the parts and portions thereof from which all human remains have been removed may be sold by the district owning and controlling the abandoned cemetery lands. No order of any court shall be required in order to make any sale of lands abandoned for cemetery purposes and from which the human remains have been removed.

(Added by Stats. 1941, Ch. 715.)

9219. Whenever any district shall have resolved upon the abandonment of any cemetery, or part thereof, and the removal of the human remains therefrom, under the provisions of this chapter, the district shall have power to employ any moneys in its treasury to defray the expenses of such abandonment and removal, including the expenses of purchasing additional lands or otherwise providing a suitable place for the interment in any other cemetery within the boundaries of the district and under its control; also including the expenses of disinterment, transportation and reinterment; also including the expenses of the removal and disposal of any vaults, monuments, headstones, coping or other improvements which may remain after the human bodies are removed from any abandoned cemetery or part thereof; also including all necessary expenses incident to the sale of any lands; also including all other expenses necessarily incurred in carrying out the abandonment of the abandoned cemetery lands and the removal and reinterment of the bodies removed and all other expenses incident to any of the above purposes.

(Added by Stats. 1941, Ch. 715.)

9220. Any moneys received by the district from the sale of the lands of the abandoned cemetery may be used for any purpose as the district may lawfully declare.

(Added by Stats. 1941, Ch. 715.)

9221. Whenever any district shall remove human bodies or the remains thereof from any abandoned cemetery lands the district shall reinter any human remains removed in the established cemetery of the district; and thereafter the lots or plots in which the human remains removed have been reinterred shall be conveyed to the person or persons, if known, who owned the lot or plot in the abandoned cemetery from which the human remains were removed, and the conveyance shall be in full of all right, title and interest of any person or persons owning any lot or plot in the abandoned cemetery from which the human remains have been removed.

(Added by Stats. 1941, Ch. 715.)

9222. In event of any person or persons owning any lot or plot of land within the abandoned cemetery in which no human remains have been interred, the directors of the district owning or controlling the lands of the abandoned cemetery, shall convey to such person or persons owning any lot or plot in the abandoned cemetery a lot or plot of equal dimensions in the cemetery owned and conducted by the district and such conveyance shall be in full of all right, title and interest in and to the lot or plot owned by such person or persons in the abandoned cemetery, and thereafter no person or persons claiming any interest in any such lot or plot shall have the right to maintain in any court an action in relation to such lot or plot owned by such person or persons in the abandoned cemetery.

(Added by Stats. 1941, Ch. 715.)

9223. After the removal and reinterment of the human bodies disinterred from any abandoned cemetery, or part thereof, the district owning or controlling the abandoned cemetery lands and making removals shall cause to be erected upon or imbedded in any lot or plot wherein any such body is reinterred, a suitable permanent marker identifying the remains and shall prepare a complete record of the name of each person, where known, whose body was reinterred and the lot or plot in the cemetery where the body is reinterred and such record shall be kept on file in the office of the district making the removals and reinterments and shall at all times be open to inspection of the relatives or friends of those so reinterred.

(Added by Stats. 1941, Ch. 715.)

9224. After the removal of all human remains interred in any part or the whole of the cemetery lands abandoned as a burial place for the human dead as provided in this chapter, the district owning or controlling the abandoned cemetery lands may file for record in the office of the county recorder of the county or city and county in which the lands are situated, a written declaration reciting that all human remains have been removed from the part or portion of the lands described in the declaration. The declaration shall be acknowledged in the manner of the acknowledgment of deeds to real property by the president and secretary, or other corresponding officers, of the district owning or controlling the abandoned cemetery lands, and thereafter any deed or other conveyance of any part of such lands shall be conclusive evidence in favor of any grantee therein named, his successors or assigns, of the fact of the complete removal of all human bodies therefrom.

(Added by Stats. 1941, Ch. 715.)

9225. In the disinterment, transportation, and removal of human remains made under the provisions of this chapter, it shall not be necessary for the district owning or controlling the abandoned cemetery lands to obtain from the board of health or health officer of the city, city and county, or town where the cemetery lands are located, a separate permit for the disinterment, transportation, or removal of the remains of each person so disinterred, transported, or removed, but disinterment, transportation, and removal of the human remains shall be made subject to reasonable rules and regulations relative to the manner of disinterring, transporting or removing remains as may be adopted by the board of health or the health officer of the city, city and county, or town wherein the cemetery lands are situated.

(Added by Stats. 1941, Ch. 715.)

Article 2. Abandoned Cemetery Plots
(Article 2 added by Stats. 1961, Ch. 284)

9300. As used in this article, "plot" means any plot, or portion of a plot, in a cemetery owned by a public cemetery district which has not been used for the interment of human remains, or the right of interment in any such plot or portion of a plot.

(Added by Stats. 1961, Ch. 284.)

9301. Any cemetery district which owns or operates a cemetery may maintain a proceeding in the superior court in the county within which the cemetery is located to have any plot in the cemetery declared abandoned if the present owner of the plot is unknown to the cemetery district and a period of at least 50 years has passed since any portion of the plot has been used for interment purposes.

(Added by Stats. 1961, Ch. 284.)

9302. The proceeding shall be commenced by the filing of a verified petition with the clerk of the superior court.

The petition shall identify the plot which the cemetery district desires to have declared abandoned; state that the plot has not been used for the interment of human remains, that the present owner of the plot is unknown to the cemetery district, and that a period of at least 50 years has passed since any portion of the plot was used for interment purposes; and request that the court declare the plot abandoned.

(Added by Stats. 1961, Ch. 284; amended by Stats. 1963, Ch. 278.)

9303. The petition shall be accompanied by an affidavit by the cemetery district that it has made a diligent search to locate the present owner of the plot, but has not been able to locate the present owner.

Upon the filing of the petition and affidavit, the clerk of the superior court shall fix a time for a hearing on the petition not less than 30 days nor more than 60 days after the date of the filing.

(Added by Stats. 1961, Ch. 284.)

9304. Notice of the hearing shall be given by the cemetery district in the same manner as provided in Section 8707 of this code, by posting copies of the notice in three conspicuous places in the cemetery which is owned or operated by the cemetery district, and by mailing a copy of the notice by registered mail to the last known owner of the plot.

The notice shall identify the plot which the cemetery district desires to have declared abandoned and shall state:

(a) The name and address of the last known owner of the plot.

(b) That a hearing will be held to determine whether or not the plot shall be declared abandoned.

(c) The time and the place of the hearing.

(Added by Stats. 1961, Ch. 284.)

9305. At the time fixed for the hearing, the court shall hear and consider any evidence which is introduced in favor of, and all objections to, the abandonment of the plot. The hearing may be continued from time to time.

If the court determines from the evidence which is presented that the facts stated in the petition are true; that the present owner of the plot is unknown; and that the cemetery district has made a diligent search to locate the present owner, the court shall hear and consider evidence.

(Added by Stats. 1961, Ch. 284.)

9306. The court shall dismiss the proceeding if it determines any of the following from the evidence which is presented:

(a) That any of the facts stated in the petition are not true.

(b) The identity of the present owner of the plot.

(c) That the cemetery district has not made a diligent search to locate the present owner.

(Added by Stats. 1961, Ch. 284.)

9307. In any proceeding the court may order that the plot shall be deemed abandoned and full title revert to the cemetery district.

The order of the court shall not become final until one year after the date on which it is made. During that time, any person may petition the court to reopen the proceeding and the court, after notice to the cemetery district, may reopen the proceeding and may hear and consider any additional evidence regarding the ownership of the plot, and may modify or amend the order which it made or, if the court makes any of the determinations mentioned by Section 9306, it shall dismiss the proceeding.

(Added by Stats. 1961, Ch. 284.)

9308. The cemetery district shall, within 30 days after the date on which the court order is made, publish notice of the order pursuant to Section 6061 of the Government Code and by mailing a copy of the order by registered mail to the last known owner of the plot, or the right of interment in a plot.

The notice which is published shall identify the plot which is covered by the order and shall state:

(a) The name and address of the last known owner of the plot.

(b) That the court has ordered that the plot is to be deemed abandoned.

(c) The date upon which the order of the court will become final.

(Added by Stats. 1961, Ch. 284.)

9309. The plot shall be deemed abandoned as of the date upon which the order of the court becomes final. The cemetery district is, thereafter, the owner of the plot, and may resell or otherwise reconvey it.

(Added by Stats. 1961, Ch. 284.)

PART 5. MAUSOLEUMS AND COLUMBARIUMS

(Part 5 repealed and added by Stats. 1955, Ch. 1349)

CHAPTER 1. GENERAL PROVISIONS

(Chapter 1 repealed and added by Stats. 1955, Ch. 1349)

9501. This part shall be known and may be cited as the Private and Community Mausoleum and Columbarium Law.

(Repealed and added by Stats. 1955, Ch. 1349; amended by Stats. 1957, Ch. 796.)

9502. The purpose of this part is to insure the durability and permanence of mausoleums and columbariums by requiring that they be constructed of such material and workmanship as determined by modern mausoleum-columbarium engineering science, the minimum requirements for which are set forth in this part.

(Repealed and added by Stats. 1955, Ch. 1349.)

9503. Unless the provision or the context otherwise requires, the definitions and general provisions set forth in this chapter govern the construction of this part.

(Repealed and added by Stats. 1955, Ch. 1349.)

9504. "Mausoleum" includes any building or structure, used or intended to be used, for the interment of uncremated human remains.

(Added by Stats. 1955, Ch. 1349.)

9505. "Companion crypts" or "nest of crypts" means two or more crypts entered through a single crypt opening.

(Added by Stats. 1955, Ch. 1349.)

9506. "Columbarium" includes any building or structure, used or intended to be used, for the interment of cremated human remains.

(Added by Stats. 1955, Ch. 1349.)

9507. "Uniform Building Code" means the 1955 edition of The Uniform Building Code adopted and published by the Pacific Coast Building Officials Conference.

(Added by Stats. 1955, Ch. 1349; amended by Stats. 1957, Ch. 1635.)

9508. "The Uniform Plumbing Code" means the 1955 edition of The Plumbing Code adopted and published by the Western Plumbing Officials Association.

(Added by Stats. 1955, Ch. 1349.)

9509. "National Electrical Code" means the 1956 edition of the National Electrical Code adopted and published by the Board of Fire Underwriters of the Pacific.

(Added by Stats. 1955, Ch. 1349; amended by Stats. 1957, Ch. 1635.)

9510. "Incombustible Material" means and includes any material having an ignition temperature higher than 1,000 degrees Fahrenheit.

(Added by Stats. 1955, Ch. 1349.)

9511. "Type I Construction" includes the type of construction designated and specified as Type I Building Construction in the Uniform Building Code.

(Added by Stats. 1955, Ch. 1349.)

9511.1. "Private mausoleum or columbarium" shall be any structure constructed for use by the members of any one family, and not for the sale of space therein to any other person, and a private mausoleum shall not contain crypts for the interment of more than fifteen (15) uncremated human remains, and a columbarium, niches for the interment of not more than thirty (30) cremated human remains. A community mausoleum or columbarium shall be any other mausoleum or columbarium.

(Added by Stats. 1957, Ch. 796.)

9512. The provisions of this part shall not apply to any structure or building used or intended to be used for the interment of human remains all portions of which are below the ground.

(Added by Stats. 1955, Ch. 1349.)

CHAPTER 2. ENFORCEMENT

(Chapter 2 repealed and added by Stats. 1955, Ch. 1349)

9525. The building department of every city or city and county shall enforce the provisions of this part within such city or city and county. "Building department" or "department" means the department, bureau, or officer charged with the enforcement of laws or ordinances regulating the erection, construction or alteration of buildings.

(Repealed and added by Stats. 1955, Ch. 1349.)

9526. The department, officer or officers of a county who are charged with the enforcement of laws or ordinances regulating the erection, construction or alteration of buildings, shall enforce the provisions of this part within such county but outside the territorial limits of any city.

(Repealed and added by Stats. 1955, Ch. 1349.)

9527. Any city or county may, by ordinance, designate any department or officer to enforce any portion of this part.

(Repealed and added by Stats. 1955, Ch. 1349.)

9528. In any city where there is no department or officer charged with or designated for the enforcement of this part, the appropriate department, officer or officers of the county in which such city is located shall enforce this part.

In any county where there is no department or officer charged with or designated for the enforcement of this part, this part shall be enforced by the county engineer, if there is a county engineer, and if not, then by the county surveyor.

(Repealed and added by Stats. 1955, Ch. 1349.)

CHAPTER 3. PERMITS AND PLANS

(Chapter 3 repealed and added by Stats. 1955, Ch. 1349)

Article 1. General Provisions

(Article 1 repealed and added by Stats. 1955, Ch. 1349)

9550. It is unlawful for any person to construct, or cause or permit to be constructed upon any property belonging to or controlled by him, any mausoleum or columbarium, or to make any alterations or changes or do any reconstruction work upon, in or to any building or structure for use as a mausoleum or columbarium without first having applied for and procured a separate building permit for each such mausoleum, columbarium, building or structure, or alteration, from the department or official charged with the enforcement of this part.

(Repealed and added by Stats. 1955, Ch. 1349.)

9551. (Repealed by Stats. 1955, Ch. 1349.)

**Article 2. Application, Permit and
Certificate of Occupancy**

(Article 2 repealed and added by Stats. 1955, Ch. 1349)

9560. A person desiring a permit shall file a written application with the department or official charged with the enforcement of this part on forms furnished by it. The application shall:

(a) Show in detail the proposed erection, construction, reconstruction, or alteration.

(b) State the name and address of the owner.

(c) State the name and address of the architect, structural engineer, or contractor, if any.

(d) State that the plans and specifications are true and contain a correct description of the proposed work.

(e) Give any other data or information required by the department.

(Repealed and added by Stats. 1955, Ch. 1349.)

9561. The application shall be accompanied by:

(a) Two full, true and complete sets of plans showing in detail the work proposed and whether it is for new work, reconstruction, or alteration.

(b) Two sets of specifications describing the proposed work.

(c) The plans of the lot or land on which the building is proposed to be erected, reconstructed, or altered.

(d) The written approval of the plans and specifications and consent to the proposed erection, construction, reconstruction, or alteration, executed by the cemetery authority owning or operating the cemetery in which the work is to be performed.

(Repealed and added by Stats. 1955, Ch. 1349; amended by Stats. 1957, Ch. 796.)

9562. The department shall cause all plans, specifications, and statements to be examined, and, if they conform to the provisions of this part, shall issue a permit.

(Repealed and added by Stats. 1955, Ch. 1349.)

9563. The department may, from time to time, approve changes in any plans, specifications, or statements, previously approved if the changes are in conformity with the provisions of this part.

(Repealed and added by Stats. 1955, Ch. 1349.)

9564. The issuance or granting of a permit or approval is not a permit or approval of a violation of any provision of this part.

(Repealed and added by Stats. 1955, Ch. 1349.)

9565. A true copy of the plans, specifications, and other information submitted or filed upon which a permit is issued, with the approval of the department with which they are filed, stamped or written on the copy, and signed by the officer or officers authorizing the permit, shall be kept upon the premises of the building for which the permit is issued from the commencement of the work until final completion and acceptance, and shall be subject to inspection at all times by proper authorities.

(Added by Stats. 1955, Ch. 1349.)

Article 3. Cancellation of Permit

(Article 3 repealed and added by Stats. 1955, Ch. 1349)

9575. In the case of any refusal, or neglect of the person to whom a permit or approval has been issued to comply with all of the provisions of this part, or in case any false statement or misrepresentation is made in any of the plans, specifications or statements submitted or filed for the permit or approval, the department shall revoke or cancel any permit or approval it has previously issued.

(Repealed and added by Stats. 1955, Ch. 1349.)

Article 4. Expiration of Permit

(Article 4 repealed and added by Stats. 1955, Ch. 1349)

9580. Every permit or approval under which no work is done within 90 days from the date of issuance in the case of a community mausoleum or columbarium and within one year in the case of a private mausoleum or columbarium expires by limitation and a new permit shall be obtained before the work may proceed.

(Repealed and added by Stats. 1955, Ch. 1349; amended by Stats. 1957, Ch. 796.)

9581. (Repealed by Stats. 1955, Ch. 1349.)

CHAPTER 4. INSPECTION AND APPROVAL

(Chapter 4 repealed and added by Stats. 1955, Ch. 1349)

9590. When the work is completed in accordance with plans, specifications, and statements previously made and upon which the permit or approval was issued, the owner or contractor shall notify the department.

(Repealed and added by Stats. 1955, Ch. 1349.)

9591. The department shall inspect or cause the work to be inspected, and shall issue a certificate of occupancy if the work has been performed in accordance with the approved plans, specifications, and statements, and in conformity with the provisions of this part; and if not, it shall refuse to issue the certificate.

(Repealed and added by Stats. 1955, Ch. 1349.)

9592. When it is found that the building or structure is structurally complete, upon request, a temporary certificate of occupancy shall be issued by the department for the use of a portion or portions of a mausoleum or columbarium for interment of human remains prior to the completion of the entire building or structure.

(Added by Stats. 1955, Ch. 1349.)

CHAPTER 5. CONSTRUCTION

(Chapter 5 repealed and added by Stats. 1955, Ch. 1349)

Article 1. General Provisions

(Article 1 repealed and added by Stats. 1955, Ch. 1349)

9600. No mausoleum or columbarium shall be constructed and no existing building or structure shall be altered for use as a mausoleum or columbarium unless the entire building or structure, including any portion to be used for any other purpose, is in conformity with the minimum requirements set forth in this chapter. Any addition to or alteration of any existing mausoleum or columbarium shall conform to the minimum requirements set forth in this chapter.

(Repealed and added by Stats. 1955, Ch. 1349.)

9601. All mausoleums or columbariums shall be of **Type I Construction** as specified in the Uniform Building Code, except as otherwise provided in this chapter.

(Repealed and added by Stats. 1955, Ch. 1349.)

9602. Plumbing in all mausoleums or columbariums shall conform to the provisions of the Uniform Plumbing Code.

(Repealed and added by Stats. 1955, Ch. 1349.)

9603. Electrical work in all mausoleums or columbariums shall conform to the provisions of the National Electrical Code.

(Repealed and added by Stats. 1955, Ch. 1349.)

9604. (Repealed by Stats. 1955, Ch. 1349.)

9605. (Repealed by Stats. 1955, Ch. 1349.)

Article 2. Structural and Material Requirements of
Community Mausoleums and Columbariums

(Article 2 repealed and added by Stats. 1955, Ch. 1349;
heading amended by Stats. 1957, Ch. 796)

9625. Every community mausoleum or columbarium shall be designed and constructed to resist stresses produced by lateral forces as provided in the earthquake regulations set forth in the appendix to the Uniform Building Code.

(Repealed and added by Stats. 1955, Ch. 1349; amended by Stats. 1957, Ch. 796.)

9626. Except as otherwise provided in this chapter, all materials used in the construction, ornamentation or embellishment of community mausoleums or columbariums shall be incombustible. This section shall not apply to temporary openings or partitions, interior doors, fixtures, furniture or furnishings.

(Repealed and added by Stats. 1955, Ch. 1349; amended by Stats. 1957, Ch. 796.)

9627. All structural frame work shall be of poured-in-place reinforced concrete or of structural steel sections encased in poured-in-place concrete; provided, however, all footings, bearing walls, floor slabs and roofs shall be of poured-in-place reinforced concrete only. All structural frame work shall be designed and constructed in accordance with the Uniform Building Code.

(Repealed and added by Stats. 1955, Ch. 1349, and by Stats. 1957, Ch. 1635.)

9628. All floors shall be designed and constructed for a live load of not less than 100 pounds per square foot.

(Repealed and added by Stats. 1955, Ch. 1349.)

9629. The total load on any footing shall not exceed the safe soil bearing value as determined by a loading test. Footings shall be designed for total loads, but relative sizes of footings shall be governed by the dead load only, with a proper reduction of the allowable soil bearing value.

(Repealed and added by Stats. 1955, Ch. 1349.)

9630. Floor slabs placed on earth shall be constructed in the following manner:

First: Place a subslab of concrete two inches thick.

Second: Place two layers of fifteen pound waterproofing felt sealed tightly to subslab and to each other with waterproofing asphalt; felt to be turned up one inch on walls and be asbestile type sealed around perimeter of walls.

Third: Completely coat felt with waterproofing asphalt and dry dust with cement.

Fourth: Install poured-in-place reinforced concrete floor slab.

(Repealed and added by Stats. 1955, Ch. 1349.)

9631. Where any wall is constructed against a bank of earth, rock or other porous material, or where crypts are adja-

cent to an outside building wall below grade, the wall shall be thoroughly primed and waterproofed with membrane waterproofing in the following manner:

First: The wall shall be given a thorough waterproof priming. Then waterproofing felt shall be applied vertically mopping both wall and back of felt with hot waterproofing asphalt. While asphalt is in adhesive condition, felt shall be applied to wall, nailing along top of sheet with nails and metal caps.

Second: Waterproofing fabric shall be then applied vertically, mopping waterproofing felt and back-mopping fabric. Then apply fabric and press firmly to undersheet.

Third: Apply waterproofing felt over fabric vertically mopping as called for in second application, and thoroughly nail with nails and caps along top edge of waterproofing.

Fourth: Then mastic around nails and thoroughly mop entire surface with hot waterproofing asphalt.

Fifth: Apply an asbestile type flashing at top edge securely sealing edge to wall.

Sixth: Before making fill against waterproofing, protect waterproofing by covering same with pressed board or other suitable material.

(Repealed and added by Stats. 1955, Ch. 1349.)

9632. Except as provided in Section 9633, all crypt walls and crypt floor slabs shall be constructed of poured-in-place, reinforced concrete; crypt walls shall be not less than four inches in thickness and crypt floor slabs shall be not less than three inches in thickness.

(Repealed and added by Stats. 1955, Ch. 1349.)

9633. Horizontal and vertical partitions separating crypts comprising companion crypts or a nest of crypts entered through a single crypt opening may be constructed of pre-cast reinforced concrete; provided, the horizontal partitions are not less than one and one-half inches in thickness and the vertical nonbearing partitions are not less than one inch in thickness, and vertical partitions bearing any load are not less than three inches in thickness, and provided the crypt walls enclosing the nest of crypts are constructed as required in Section 9632.

(Repealed and added by Stats. 1955, Ch. 1349.)

9634. Each crypt, including each crypt in a companion crypt or in a nest of crypts referred to in Section 9633, shall be designed for a total live load of 600 pounds.

(Repealed and added by Stats. 1955, Ch. 1349.)

9635. All crypt seal slabs shall be of precast concrete, not less than $1\frac{1}{2}$ inches thick, or of asbestos concrete (transite) not less than one-half inch thick. All slabs shall be securely set in cement mortar for permanent sealing after interment is made in the crypt. Seal slabs shall be set independent of crypt fronts.

(Repealed and added by Stats. 1955, Ch. 1349; amended by Stats. 1957, Ch. 1635.)

9636. All marble floors shall be constructed on a sand bed with nonstaining cement, and hydrament, or an approved equal additive, shall be used to prevent effervescence.

(Repealed and added by Stats. 1955, Ch. 1349.)

9637. All interior or exterior veneers shall be of stone, cast stone, granite or marble. Cast stone shall meet all requirements for cast stone set forth in the Uniform Building Code.

(Repealed and added by Stats. 1955, Ch. 1349.)

9638. Marble for exterior trim, exterior crypt and niche fronts, and exterior veneer, shall be travertine, serpentine marble or Grade A exterior type marble, only.

(Repealed and added by Stats. 1955, Ch. 1349.)

9639. Joints shall be of uniform thickness and when mortar is used it shall be raked out as work progresses and on completion of installation joints shall be brushed, thoroughly cleaned, wet and carefully filled and pointed.

(Repealed and added by Stats. 1955, Ch. 1349.)

9640. Grout used for joints and pointing shall conform with the requirements of the Uniform Building Code.

(Repealed and added by Stats. 1955, Ch. 1349.)

9641. Masonry veneer shall be attached to the supporting wall in accordance with the requirements of the Uniform Building Code.

(Repealed and added by Stats. 1955, Ch. 1349.)

9642. All base, architraves, wainscoting and all other vertical work other than crypt fronts shall be securely anchored in place with rods, clips, or other suitable anchoring devices of materials as specified in Section 9643. All clips shall be countersunk into the joint surface and set in non-staining cement.

(Repealed and added by Stats. 1955, Ch. 1349.)

9643. All interior and exterior fastenings for hangers, clips, doors, and other objects shall be of copper base alloy, aluminum, copper or stainless steel of adequate gauges.

(Repealed and added by Stats. 1955, Ch. 1349.)

9644. All exterior metals used for doors, window frames, skylights, gutters, downspouts, flashings or embellishment shall be of copper, copper base alloy, aluminum, lead, or stainless steel of gauges structurally determined.

(Repealed and added by Stats. 1955, Ch. 1349.)

9645. In the event that during a national emergency, as proclaimed by the Governor for purposes of this section, none of the metals listed in Sections 9643 and 9644 are obtainable, the department may permit the use of galvanized iron or other durable metals.

(Repealed and added by Stats. 1955, Ch. 1349.)

9646. Roofs shall be constructed of poured-in-place reinforced concrete, and any roof covering shall be "Fire Retardent" in conformity with the requirements of Type I construction.

(Repealed and added by Stats. 1955, Ch. 1349.)

9647. All skylight frames shall have all joints riveted and soldered and all glass in skylights shall be wire glass not less than one-fourth inch in thickness.

(Repealed and added by Stats. 1955, Ch. 1349.)

9648. (Repealed by Stats. 1955, Ch. 1349.)

9649. (Repealed by Stats. 1955, Ch. 1349.)

9650. (Repealed by Stats. 1955, Ch. 1349.)

9651. (Repealed by Stats. 1955, Ch. 1349.)

9652. (Repealed by Stats. 1955, Ch. 1349.)

9653. (Repealed by Stats. 1955, Ch. 1349.)

9654. (Repealed by Stats. 1955, Ch. 1349.)

9655. (Repealed by Stats. 1955, Ch. 1349.)

9656. (Repealed by Stats. 1955, Ch. 1349.)

9657. (Repealed by Stats. 1955, Ch. 1349.)

Article 3. Structural and Material Requirements of Private Mausoleums and Columbariums

(Article 3 added by Stats. 1957, Ch. 796)

9650. Every private mausoleum or columbarium shall be designed and constructed to resist stresses produced by lateral forces as provided in the earthquake regulations set forth in the appendix to the Uniform Building Code.

(Added by Stats. 1957, Ch. 796.)

9651. Except as otherwise provided in this chapter, all materials used in the construction, ornamentation or embellishment of private mausoleums or columbariums shall be incombustible. This section shall not apply to temporary openings or partitions, interior doors, fixtures, furniture or furnishings.

(Added by Stats. 1957, Ch. 796.)

9652. All private mausoleums or columbariums may be constructed as a veneer type or as a solid type as hereinafter set forth.

(Added by Stats. 1957, Ch. 796.)

9653. Veneer type construction of a private mausoleum or columbarium is construction in which all fittings, bearing walls, beams, columns, floor slabs and other structural members are of poured-in-place reinforced concrete designed and constructed in accordance with the Uniform Building Code, and with all minimum structural and material requirements set forth in Article 2 of this chapter.

(Added by Stats. 1957, Ch. 796.)

9654. Solid type construction is construction in which all bearing walls, beams, columns, floor slabs and roof consist of marble or granite blocks, in solid form, doweled with noncorrosive metal dowels as hereinafter described. The foundations shall be of poured-in-place concrete designed and constructed in conformity with the Uniform Building Code. All bearing walls, beams, columns, floor slabs and roof shall be constructed in conformity with the requirements set forth in the Uniform Building Code, except as otherwise provided in this section.

Structural members shall be not less than six (6) inches thick, if of granite construction, and eight (8) inches thick, if of marble construction. Each structural part shall be properly doweled and anchored to each other structural part. All vertical joints shall be pinned a maximum of three (3) feet on centers, with pins a maximum of one and one-half ($1\frac{1}{2}$) feet from a horizontal joint, or pinned with one pin per joint section, whichever spacing is smaller. All horizontal joints shall be pinned a maximum of two (2) feet on centers, or in the case of wall slabs of width greater than two (2) feet, each slab shall be pinned to roof and floor with at least two (2) pins. No pin shall be closer than four (4) inches to the corner of a stone. Dowel pins shall be bronze, stainless steel or other non-corrosive material, at least three-fourths inch ($\frac{3}{4}$ ") in diameter and six (6) inches long. Pins shall be properly grouted in one (1) inch holes drilled to a minimum depth of three (3) inches, except the foundations, where they shall be set in place when the concrete is poured. Each course shall be properly grouted solid. All joint surfaces shall be properly roughened to give the binding surfaces a roughness necessary for proper binding. At all vertical joints there shall be proper cramps at each joint line of a similar noncorrosive variety. No course shall be less than eighteen inches (18") in height, and thirty-six inches (36") in length. The roof stone shall be doweled to the side walls. All joints shall be large enough to allow for expansion and contraction, and shall be raked at least one-half inch ($\frac{1}{2}$ ") deep, unless constructed of single slabs. Where granite or marble roof is constructed of more than one piece, and pitch is three inches (3") per foot or less, up-slope pieces must overlap down-slope pieces by a minimum of eight inches (8"). For pitches of from three inches (3") to six inches (6") per foot, this minimum overlap shall be four inches (4"). For steeper slopes, this minimum overlap shall be one and one-half inches ($1\frac{1}{2}$ "). Where granite or marble roof stone is level or nearly level, and terminated in a vertical joint on one or more sides, this vertical joint shall be protected by a superimposed cap, along whose edge a drainage trough shall be cut in the roof stone of such size and slope as to prevent moisture from entering the bed joint between roof stone and cap. All interior and exterior fastenings for hangers, clips, doors, and other objects shall be of copper base alloy, aluminum, copper or stainless steel of adequate gauges. All exterior metals used for doors, window frames, skylights, gutters, downspouts, flashings or embellishment shall be of copper, copper base alloy, aluminum, lead, or stainless steel of gauges structurally determined.

(Added by Stats. 1957, Ch. 796.)

CHAPTER 6. PENALTIES

(Chapter 6 repealed and added by Stats. 1955, Ch. 1349)

9675. Every person who violates any provision of this part is guilty of a misdemeanor, punishable by fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or by imprisonment in a county jail not less than 10 days nor more than six months, or by both; and in addition is liable for all costs, expenses, and disbursements paid or incurred by the department or person prosecuting the case.

(Repealed and added by Stats. 1955, Ch. 1349.)

9676. Every owner or operator of a mausoleum or columbarium erected in violation of this part is guilty of maintaining a public nuisance and upon conviction is punishable by a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) or by imprisonment in a county jail for not less than one month nor more than six months, or by both; and in addition is liable for all costs, expenses and disbursements paid or incurred by the department or person prosecuting the case. Each calendar month during which such public nuisance exists constitutes a separate offense.

The costs, expenses, and disbursements shall be fixed by the court having jurisdiction of the case.

(Repealed and added by Stats. 1955, Ch. 1349.)

9677. The penalties of this chapter shall not apply as to any building which, at the time of issuance of a permit for the construction thereof was in compliance with the laws then existing, if its use is not in violation of the laws for the protection of public health.

(Repealed and added by Stats. 1955, Ch. 1349.)

DIVISION 9. VITAL STATISTICS

NOTE: Division 9, comprising Sections 10000 to 10679, was added by Stats. 1939, Ch. 60, as part of codification. Various sections were affected by the following chapters:

1939	1941	1943	1945	1947	1949	1951	1953	1955	1957
101	95	12	602	562	268	95	100	94	363
385	180	13	661	598	729	116	274	104	1006
540	182	196	663	1148		1636		644	1819
1120	209	999	975					1271	1930
	647	1092	1005					1402	2020

Division 9 was repealed and added by Stats. 1957, Ch. 363.

The text of Division 9, as added by Stats. 1957, Ch. 363, with amendments, is set forth below. The usual history notes carried at the end of sections are omitted. The Statutory Record may be consulted to determine the history of any particular section prior to enactment of Stats. 1957, Ch. 363.

NOTE: Stats. 1957, Ch. 363, which repealed and added Division 9, contained the following:

(Prepared pursuant to Senate Resolution 101, General Session of 1955, to revise and consolidate the public health statutes.)

SEC. 6. The provisions of the Health and Safety Code added by this act, insofar as they are substantially the same as the provisions of said code repealed by this act, shall be construed as a restatement and continuation of the existing law and not as a new enactment. No action or proceeding relating to or arising out of the provisions of said code repealed by this act commenced before the effective date of this act, and no right accrued pursuant to said provisions, are affected by the repeal of said provisions by this act, but any step thereafter taken in such action or proceeding shall conform to the provisions added to said code by this act so far as possible.

CHAPTER 1. GENERAL PROVISIONS

10000. Each live birth, fetal death, death, and marriage which occurs in the State shall be registered as provided in this division on the prescribed certificate forms. In addition, a report of every final divorce or annulment decree shall be filed with the State Registrar, as provided in this division.

(Amended by Stats. 1961, Ch. 1722.)

10001. The State Department of Public Health is charged with the uniform and thorough enforcement of this division throughout the State, and may promulgate additional regulations for its enforcement.

10002. The state department may make and enforce regulations for the embalming, cremation, interment, disinterment and transportation of the dead in matters relating to communicable diseases.

10003. The State Registrar shall inform all local registrars which diseases are to be considered infectious, contagious, or communicable and dangerous to the public health, as decided by the state department, in order that when deaths occur in which such diseases are involved, proper precautions may be taken to prevent their spread.

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

10004. All certificates of live birth, fetal death, death, or registry of marriage shall be written legibly, in durable black ink, and a certificate is not complete and correct that does not supply all of the items of information called for, or satisfactorily account for their omission.

10005. All physicians, informants, funeral directors, clergymen, or judges and all other persons having knowledge of the facts, shall supply upon the prescribed forms such information as they may possess regarding any birth, fetal death, death, or marriage upon demand of the State or local registrar.

10006. No alteration or change in any respect shall be made on any certificate after its acceptance for registration by the local registrar, or on other records made in pursuance of this division, except where supplemental information required for statistical purposes is furnished.

10007. Every person in charge of a hospital or other institution to which persons are admitted for treatment or confinement shall make a record of the personal, medical and other information for each patient sufficient and adequate for the completion of a birth or death certificate.

10008. When objection is made by either parent to furnishing information relating to the medical and health condition of a live born child because of conflict with religion, such information shall not be required to be entered on a certificate of live birth.

CHAPTER 2. ADMINISTRATION

Article 1. State Administration

10025. The Director of Public Health shall be the State Registrar of Vital Statistics.

10026. The State Registrar is charged with the execution of the provisions of this division in this State, and has supervisory power over local registrars, so that there shall be uniform compliance with all of the requirements of this division.

10027. The State Registrar may investigate cases of irregularity or violations of provisions of this division.

10028. When the State Registrar deems it necessary, he shall report cases of violation of any of the provisions of this division to the district attorney of the county where the violation occurred, with a statement of the facts and circumstances; and the district attorney shall forthwith initiate and promptly follow up with the necessary court proceedings.

10029. The Attorney General shall assist in the enforcement of the provisions of this division upon request of the State Registrar.

10030. The State Registrar shall prescribe and furnish all record forms for use in carrying out the purposes of this division, and no record forms other than those so prescribed and furnished shall be used.

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

10031. The State Registrar shall prepare and issue such detailed instructions as may be required to procure the uniform observance of this division and the maintenance of a satisfactory system of registration.

10032. The State Registrar shall establish registration districts within the State for the purposes of this division.

10033. The State Registrar of Vital Statistics may call into conference the local registrars or their chief deputies, in such groups and at such place or places within the State as may be designated by him, to meet with him or his duly authorized representatives, for the purpose of discussing problems dealing with registration of births, fetal deaths, deaths, and marriages, in order to promote uniformity of policy and procedure throughout the State in matters pertaining to vital registration; provided further, that the actual and necessary expenses incident to attendance at not more than one such meeting per year shall with the prior approval of the local legislative body be a legal charge against the local governmental unit.

10034. The State Registrar shall carefully examine the certificates received from the local registrars, and if they are incomplete or unsatisfactory shall require such further information as may be necessary to make the record complete and satisfactory.

10035. The State Registrar shall arrange and permanently preserve the certificates in a systematic manner and shall prepare and maintain a comprehensive and continuous index of all certificates registered.

10036. Notwithstanding any other provisions of law relating to retention of public records, the State Registrar may cause the original records of birth, death and marriage filed under the provisions of this division to be destroyed if all of the following requirements are met:

(a) A microfilm copy of such birth, death and marriage records has been made.

(b) Fifteen years shall have elapsed since the date of registration of such birth records and five years shall have elapsed since the date of registration of such death and marriage records.

(c) Any microfilm so used meets the minimum standards recommended by the National Bureau of Standards for permanent record purposes.

(d) Adequate provisions are made that the film reflect additions or corrections to the records.

(e) A copy of the microfilm is maintained in such a manner that it can be used for all purposes served by the original record.

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

(f) A copy of the microfilm has been stored at a separate physical location in such a place and manner as reasonably to assure its preservation indefinitely against loss or destruction.

(Added by Stats. 1957, Ch. 2020; amended by Stats. 1959, Ch. 538.)

10037. Any certified photographic reproduction of any record microfilmed under the provisions of this chapter shall be deemed to be a certification of the original record.

(Added by Stats. 1957, Ch. 2020.)

Article 2. Local Administration

10050. The health officer of any approved local health department, as defined in Division 1, Part 2, Chapter 8 of this code and approved thereunder, is the local registrar in and for all registration districts within that health jurisdiction and shall perform all the duties of local registrar of births and deaths.

10051. In other areas, the State Registrar shall appoint a local registrar of births and deaths for each registration district, whose term of office shall be four years. The State Registrar may remove such appointee forthwith for failure or neglect to perform his duty.

10052. The county recorder is the local registrar of marriages and shall perform all the duties of the local registrar of marriages.

10053. Each assistant or deputy of a local registrar may perform all of the duties of the local registrar in the name and place of his principal.

10054. Each local registrar is hereby charged with the enforcement of the provisions of this division in his registration district under the supervision and direction of the State Registrar and shall make an immediate report to the State Registrar of any violation of this law coming to his knowledge.

10055. Each local registrar shall supply blank forms to such persons as require them.

10056. The local registrar shall carefully examine each certificate before acceptance for registration and, if any are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record satisfactory before acceptance for registration.

10057. The local registrar shall affix his signature to each certificate in attest to the date of acceptance for registration in his office.

10058. The local registrar shall number the certificates of live birth, fetal death, death and marriage consecutively in separate series, beginning with number one for the first event in each calendar year.

10059. The local registrar shall make a complete and accurate copy of each certificate accepted for registration and

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

shall preserve it in his office as the local registrar's copy of the record in the manner directed by the State Registrar.

10060. Each local registrar of births and deaths, except a local registrar of a city and county and the local registrars of cities of over 1,000,000 population, shall transmit to the county recorder for a special county record at the same time the original certificates are forwarded to the State Registrar a copy of each original birth certificate, which shall exclude the medical and health section data, and a full copy of each original death certificate.

In lieu of the procedure outlined above in this section, the county recorder may make the copies of certificates for the special county record, in which case the original certificates shall be transmitted by the local registrar to the county recorder for this purpose, after which the county recorder shall forward the original certificates to the State Registrar pursuant to Section 10061.

(Added by Stats. 1957, Ch. 363; amended by Stats. 1957, Ch. 1006 and by Stats. 1963, Ch. 820.)

10060.5. Any local registrar serving a county-wide health jurisdiction of over 550,000 population, as determined by the official 1950 census, and in whose office is maintained a central depository of birth and death records, is excepted from the provisions of Section 10060 of this code.

(Added by Stats. 1957, Ch. 1930.)

10061. The local registrar of births and deaths shall transmit each week to the State Registrar all original certificates accepted for registration by him during the preceding week.

10062. The local registrar of marriages shall transmit to the State Registrar on or before the fifth day of each month all original certificates of registry of marriage accepted for registration by him during the preceding month. Certificates may be transmitted at more frequent intervals by arrangement with the State Registrar.

10063. The local registrar of births and deaths shall furnish to the registrar of voters or county clerk not later than the fifteenth day of each month a notification of all deceased persons 21 years of age and over whose death was registered with him during the preceding month. This notification shall include at least the name, sex, age, birthplace, place of residence, date and place of death for each such decedent.

10064. The local registrar of births and deaths, after five years from the date of registration and with the approval and under the supervision of the State Registrar, may dispose of the local registrar's copies of the records; provided, that the original copies of such records are determined to be on file in the office of the State Registrar; and provided further, that copies of such records are determined to be on file in the office of the county recorder. If the county recorder does not have copies of such records, he is hereby authorized to accept

such local registrar's copies as a special county record of the events.

10065. The county recorder is hereby authorized to receive original records or abstracts of records of any birth or death which were filed with any political subdivision prior to July 1, 1905, and to retain them as a special county record of the events.

10066. Special county records of birth certificates and death certificates transmitted and filed with the county recorder under the provisions of this chapter shall be open for inspection by the public in accordance with rules and regulations adopted by the State Department of Public Health for local registrars.

(Added by Stats. 1957, Ch. 1006.)

10067. The county recorder, with the approval and under the supervision of the State Registrar, may dispose of the special county records of births and deaths for events which occurred subsequent to July 1, 1905, on file in the office of the county recorder providing (a) that the original records are determined to be on file in the Office of the State Registrar; (b) copies of these records are determined to be on file in the office of the local registrar; (c) the local registrar maintains a central depository of birth and death records; and (d) the optional plan provided under Sections 10060 or 10060.5 for the elimination of duplicate records has been adopted.

If the local registrar does not have copies of such records, he is hereby authorized to accept them from the county recorder.

(Added by Stats. 1957, Ch. 1930.)

CHAPTER 3. LIVE BIRTH REGISTRATION

Article 1. Duty of Registering Live Birth

10100. Each live birth shall be registered with the local registrar of births and deaths for the district in which the birth occurred within four days following the event.

10101. For live births which occur in a hospital, the physician in attendance upon the birth shall be responsible for registering the certificate with the local registrar.

10102. For live births which occur outside of a hospital, the physician in attendance at the birth; or in the absence of a physician, either one of the parents shall be responsible for entering the information on the certificate, securing the required signatures, and for registering the certificate with the local registrar.

Article 2. Content of Certificate of Live Birth

10125. The certificate of live birth shall be divided into two sections; the first section shall contain those items necessary to establish the fact of the birth and the second section shall contain those items relating to medical and health data. The first

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

section shall contain the following and such other items as the State Registrar may designate:

- (a) Full name and sex of child;
- (b) Date of birth, including month, day and year;
- (c) Place of birth;
- (d) Full name of father, birthplace of father, and color or race of father;
- (e) Full maiden name of mother, birthplace of mother, color or race of mother;
- (f) Multiple births and birth order of multiple births;
- (g) Signature and certification of attendant; and
- (h) Date accepted for registration and signature of local registrar.

The second section shall contain such medical and health items as the State Registrar may designate.

10126. (Repealed by Stats. 1959, Ch. 944.)

Article 3. Foundling Registration

10150. A certificate of finding of an unidentified live child of less than one year of age shall be registered with the local registrar of births and deaths by the person or institution with whom the child is placed, within four days following the finding.

10151. The certificate shall include the name, sex, color or race, the date and place of finding, and the name of the person or institution with whom the child is placed.

10152. The person or institution with whom the child is placed shall give the child a name; the place in which the child is found shall be known as the legal place of birth; and the date of birth shall be determined as closely as possible and shall be known as the legal date of birth.

10153. The certificate of finding shall be handled in the same manner and shall serve all the purposes of a certificate of live birth.

10154. If the child is later identified and a certificate of birth found or obtained, the fact shall be reported to the State Registrar and he shall enter this upon the certificate of finding, with citation to the certificate of birth.

CHAPTER 4. FETAL DEATH REGISTRATION

Article 1. Duty of Registering Fetal Death

10175. Each fetal death in which the fetus has advanced to or beyond the twentieth week of uterogestation shall be registered with the local registrar of births and deaths of the district in which the fetal death was officially pronounced within five days following the event and prior to any disposition of the fetus.

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

10176. A funeral director, or if there is no funeral director, the person acting in lieu thereof, shall prepare the certificate and register it with the local registrar.

10177. He shall obtain the required information other than medical and health section data from the person or source best qualified to supply this information.

Article 2. Responsibility of Attending Physician

10180. The physician, if any, in attendance on the delivery of a fetus shall within 15 hours after the delivery state on the certificate of fetal death the time of fetal death or delivery, the direct causes of the fetal death, the conditions, if any, which gave rise to these causes, and such other medical and health section data as may be required on the certificate, and shall sign the certificate in attest to these facts.

The physician shall within 15 hours after the death deposit the certificate at the place of death, or deliver it to the attending funeral director at his place of business or at the office of the physician.

Article 3. Responsibility of Coroner

10185. All other fetal deaths required to be registered under this chapter shall be handled as are deaths without medical attendance.

10186. The coroner shall within three days after examination of the fetus state on the certificate of fetal death the time of fetal death, the direct causes of the fetal death, the conditions, if any, which gave rise to these causes, and such other medical and health section data as may be required on the certificate, and shall sign the certificate in attest to these facts. The coroner shall within three days after examining the body deliver the death certificate to the attending funeral director.

Article 4. Content of Certificate of Fetal Death

10190. The certificate of fetal death shall contain such items as may be designated by the State Registrar and shall be divided into two sections; the first section shall contain those items necessary to establish the fact of the fetal death and the second section shall contain those items relating to medical and health data.

CHAPTER 5. DEATH REGISTRATION

Article 1. Duty of Registering Death

10200. Each death shall be registered with the local registrar of births and deaths in the district in which the death was officially pronounced or the body was found, within five

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

days after death and prior to any disposition of the human remains.

10201. A funeral director, or person acting in lieu thereof, shall prepare the certificate and register it with the local registrar.

10202. The funeral director shall obtain the required information other than medical and health section data from the person or source best qualified to supply this information.

10203. The medical and health section data and the time of death shall be completed and attested to by the physician last in attendance; provided, such physician is legally authorized to certify and attest to these facts, or by the coroner in those cases in which he is required to complete the medical and health section data and certify and attest to these facts.

10204. The medical and health section data and the physician's or coroner's certification shall be completed by the attending physician within 15 hours after the death, or by the coroner within three days after examination of the body.

The physician shall within 15 hours after the death deposit the certificate at the place of death, or deliver it to the attending funeral director at his place of business or at the office of the physician.

10205. An embalmer may authorize his signature to be affixed to the certificate after he has embalmed a body, as required by this chapter, by a written special power of attorney which shall be retained for a period of one year.

Article 2. Responsibility of Attending Physician

10225. The physician last in attendance on a deceased person shall state on the certificate of death the disease or condition directly leading to death, antecedent causes, other significant conditions contributing to death and such other medical and health section data as may be required on the certificate; he shall also specify the time in attendance, the time he last saw the deceased person alive, and the hour and day on which death occurred, except in deaths required to be investigated by the coroner.

Article 3. Responsibility of Coroner

10250. A physician, funeral director, or other person shall immediately notify the coroner when he has knowledge of a death which occurred or has charge of a body in which death occurred:

- (a) Without medical attendance;
- (b) During the continued absence of the attending physician;
- (c) Where the attending physician is unable to state the cause of death;

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

- (d) Where suicide is suspected;
- (e) Following an injury or an accident; or
- (f) Under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another.

10251. The coroner whose duty it is to investigate such deaths shall ascertain as many as possible of the facts required by this chapter.

10252. The coroner shall state on the certificate of death the disease or condition directly leading to death, antecedent causes, other significant conditions contributing to death and such other medical and health section data as may be required on the certificate, and the hour and day on which death occurred.

The coroner shall within three days after examining the body deliver the death certificate to the attending funeral director.

Article 4. Content of Certificate of Death

10275. The certificate of death shall be divided into two sections. The first section shall contain those items necessary to establish the fact of the death, including the following and such other items as the State Registrar may designate:

(a) Personal data concerning decedent including full name, sex, color or race, marital status, name of spouse, date of birth and age at death, birthplace, usual residence, and occupation and industry or business;

(b) Date of death, including month, day, and year;

(c) Place of death;

(d) Full name of father and birthplace of father, and full maiden name of mother and birthplace of mother;

(e) Informant;

(f) Disposition of body information including signature and license number of embalmer if body embalmed or name of embalmer if affixed by attorney-in-fact; name of funeral director, or person acting as such; and date and place of interment or removal;

(g) Certification and signature of attending physician or certification and signature of coroner when required to act by law; and

(h) Date accepted for registration and signature of local registrar.

The second section shall contain those items relating to medical and health data, including the following and such other items as the State Registrar may designate:

(a) Disease or conditions leading directly to death and antecedent causes;

(b) Operations and major findings thereof; and

(c) Accident and injury information.

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000),

CHAPTER 6. MARRIAGE REGISTRATION

Article 1. General Provisions

10300. The forms for the application for license to marry, the certificate of registry of marriage including the license to marry, and the marriage certificate shall be prescribed by the State Registrar.

Article 2. Duty of Registering

10325. Each marriage which is performed shall be registered by the person performing the ceremony within four days after the ceremony with the local registrar of marriages for the county in which the marriage license was issued.

Article 3. Content of Certificate of Registry of Marriage

10350. The certificate of registry of marriage shall contain as nearly as can be ascertained the following and such other items as the State Registrar may designate: The first section shall include the personal data of parties married, including the date of birth, full name, birthplace, residence, names and birthplaces of the parents, maiden name of the mothers, the number of previous marriages, marital status, and the maiden name of the female if previously married; the second section shall include the signatures of parties married, license to marry, county and date of issue of license, and the marriage license number; and the third section shall include the certification of the person performing the ceremony, which shall show his official position including the denomination if he is a priest, minister or clergyman, and the signature and address of one or more witnesses to the marriage ceremony. The person performing the marriage ceremony shall also type or print his name and address on the certificate. The certificate shall not contain any reference to the race or color of parties married.

(Amended by Stats. 1959, Ch. 1757, and by Stats. 1961, Ch. 554.)

CHAPTER 6.5. DIVORCE AND ANNULMENT REPORTS

(Chapter 6.5 added by Stats. 1961, Ch. 1722)

10360. The county clerk of each county shall make a report monthly to the State Registrar of every final decree of divorce or annulment which is filed with him after January 1, 1962. The report shall contain the names of the parties and the date the decree was entered.

(Added by Stats. 1961, Ch. 1722.)

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

CHAPTER 7. PERMITS FOR DISPOSITION OF HUMAN REMAINS

10375. No person shall inter in any cemetery any human body unless (a) there has been obtained and filed with the local registrar of the city or county where death occurred, a death certificate, and (b) there has been obtained from the local registrar a permit for disposition.

10376. If the certificate of death is properly executed and complete, the local registrar of births and deaths shall issue a permit for disposition, which in all cases shall specify the name of a cemetery where the remains shall be interred, except that in case the death occurred from a disease declared by the state department to be infectious, contagious, or communicable and dangerous to the public health, no permit for the disposition of the body shall be issued by the local registrar, except under such conditions as may be prescribed by the state department and local health officers.

10377. The body of any person whose death occurs in this State, or whose body is found in the State, or which is brought in from outside the State, shall not be temporarily held pending disposition more than five days after death, unless a permit for disposition is issued by the local registrar of the registration district in which the death occurred or the body was found.

10378. The permit shall accompany the body to its destination, where, if within this State, it shall be delivered to the person in charge of the place of interment.

10379. The person in charge of the place of interment, or the funeral director or person acting as funeral director if no person is in charge, shall sign the permit, endorse upon it the date of interment or cremation, and within 10 days, return the permit so endorsed to the local registrar of the district in which the interment took place.

10380. When human remains are transported from outside the State into a registration district in California for interment, the permit for disposition, issued in accordance with the law and health regulations of the place where the death occurred, shall be accepted by the local registrar of the district into which the human remains have been transported, as a basis upon which he shall issue a local permit, noting upon the face of the permit the fact that human remains were shipped in for interment and the place of death.

10381. This chapter does not prevent a funeral director from removing a body from the registration district where the death occurred or the body was found to another registration district in the same or another county in a funeral director's conveyance for the purpose of preparing the body for interment or shipment.

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

10382. A permit issued in one county or city is valid and sufficient in any county it specifies as the place of interment and shall be issued in duplicate. Further permit for interment shall not be required, but any local interment fees required by law or ordinance shall be paid.

10383. If any cemetery is located partly in one registration district and partly in another, only one permit shall be required for interment and a permit authorizing interment in such cemetery shall entitle interment to be made within or without the district to which such permit is directed. Such permit shall be returned to the registration district in which the interment is made irrespective of the district to which it is directed. The local registrar of the district in which such interment is made shall forthwith file such permit on presentation without charge.

10384. Permits for the disinterment or removal of interred remains shall be required, as specified in Part 2 of Division 7 of this code.

CHAPTER 8. AMENDMENT OF RECORDS

Article 1. Amendment of a Record of Birth, Death or Marriage

10400. Whenever the facts are not correctly stated in any certificate of birth, death, fetal death, or marriage already registered, the person asserting that the error exists may make an affidavit under oath stating the changes necessary to make the record correct, which shall be supported by the affidavit of one other credible person having knowledge of the facts, and file it with the state or local registrar.

10401. If the amendment relates to a certificate which has not been transmitted to the State Registrar, the local registrar shall review the amendment for acceptance for filing, and if accepted shall file the amendment and shall note the fact of the amendment, with its date, on the otherwise unaltered original certificate.

10402. If the amendment relates to a certificate which has been transmitted to the State Registrar, the amendment shall be transmitted to the State Registrar who shall review it for acceptance for filing.

10403. If the amendment is accepted, the State Registrar shall transmit copies of the amendment to the local registrar and county recorder in whose offices copies of the original record and information are on file.

10404. The amendment shall be filed with and become a part of the record to which it pertains.

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

Article 2. Amendment of a Death Record of a Previously Unidentified Body

10410. The coroner having jurisdiction shall register with the local registrar of births and deaths a certificate of death giving the name of the person and all statistical particulars which have been discovered concerning him, in the case of the identification of a person previously unidentified at the time of the original registration of the death.

10411. This amendment to the record shall be handled in the manner prescribed in Article 1 of this chapter.

Article 3. Supplemental Name Reports

10420. When any certificate of birth of a living child is registered without the name of the child being entered thereon, the local registrar shall make out and deliver to the parents of the child a special blank for a supplemental report of the name of the child.

10421. The parents shall complete the report and return it to the local registrar as soon as the child is named.

10422. This amendment to the record shall be handled in the manner prescribed in Article 1 of this chapter.

Article 4. Amendment of Birth Record After Adoption

10430. The clerk of the court shall complete a report upon a form provided for that purpose and forward the report to the State Registrar within five days after a decree of adoption has been entered declaring a child legally adopted by any court in the State.

10431. The court reports of adoption which are received by the State Registrar for births which occurred in another state, the District of Columbia, in any territory of the United States, or Canada shall be transmitted to the registration authority of the place of birth.

10432. A new birth certificate shall be established by the State Registrar upon receipt of a report of adoption from any court of record which has jurisdiction of the child of this State, another state, the District of Columbia, or in any territory of the United States, for any child born in California and whose certificate of birth is on file in the Office of the State Registrar.

10433. The new birth certificate shall bear the name of the child as shown in the report of adoption, the names and ages of his foster parents, the date and place of birth, and no reference shall be made in the new birth certificate to the adoption of the child. The new certificate shall be identical with a birth certificate registered for the birth of a child of natural parents. The specific name and address of the hospital or other facility

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

where the birth occurred shall not be omitted from the new birth certificate unless requested by one of the adopting parents.

(Amended by Stats. 1963, Ch. 176.)

10434. The new birth certificate shall supplant any birth certificate previously registered for the child and shall be the only birth certificate open to public inspection.

10435. When a new birth certificate is established under the provisions of this article, the State Registrar shall inform the local registrar and the county recorder whose records contain copies of the original certificate, who shall forward such copies to the State Registrar for filing with the original certificate, if it is practical for him to do so. If it is impractical for him to forward the copy to the State Registrar, he shall effectually seal a cover over such copy in such a manner as not to deface or destroy such copy and forward a verified statement of his action to the State Registrar. Thereafter the information contained in such record shall be available only as provided in this article.

10436. For court reports of adoptions received from any court of record of this State, another state, the District of Columbia, or in any territory of the United States, which has jurisdiction of a child born in this State and for whom no original record of birth is on file in the Office of the State Registrar the court report of adoption shall constitute a court order delayed birth registration; provided, the court report contains a statement of the date and place of birth.

10437. A court report of adoption received from any court of record in this State, wherein the birth occurred outside the United States, the Territories of the United States, or Canada shall constitute a court order delayed registration of birth; provided, the court report contains a statement of the date and place of birth.

10438. The court report of adoption shall be filed with the original record of birth, which shall remain as a part of the records of the State Registrar.

10439. All records and information specified in this article, other than the newly issued birth certificate, shall be available only upon the order of a court of record.

Article 5. Amendment of Birth Record After Legitimation

10440. Whenever a child becomes legitimate by the subsequent marriage of its parents an affidavit of that fact may be filed by his parents with the State Registrar upon a form provided for that purpose.

10441. A new birth certificate shall be established by the State Registrar upon receipt of such an affidavit for any child born in this State and whose certificate of birth is on file in the Office of the State Registrar.

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

10442. This new birth certificate shall bear the name of the child as shown in the affidavit, name and ages of his parents, the date and place of birth, and no reference shall be made in the birth certificate to the fact of legitimation.

10443. The new certificate shall be identical with the certificate registered for the birth of a child born in wedlock.

10444. The new birth certificate shall supplant any birth certificate previously registered for the child and shall be the only birth certificate open to public inspection.

10445. When a new birth certificate is established under the provisions of this article, the State Registrar shall inform the local registrar and the county recorder whose records contain copies of the original certificate, who shall forward such copies to the State Registrar for filing with the original certificate, if it is practical for him to do so. If it is impractical for him to forward the copy to the State Registrar, he shall effectually seal a cover over such copy in such a manner as not to deface or destroy such copy and forward a verified statement of his action to the State Registrar. Thereafter the information contained in such record shall be available only as provided in this article.

10446. The affidavit shall be filed with the original record of birth which shall remain as a part of the records of the State Registrar.

10447. All records and information specified in this article, other than the newly issued birth certificate, shall be available only upon the order of a court of record.

Article 6. Amendment of Birth Record After Adjudication or Acknowledgment of Paternity

10450. Whenever the paternity of a child has been established by judicial decree or whenever the mother and father acknowledge paternity of a child by affidavit, and upon receipt of the court report or affidavit, the State Registrar shall establish a new birth certificate for such child, and all records relating to this birth shall be handled in the manner prescribed in Article 5 of this chapter, if the original record of birth is on file in the Office of the State Registrar.

Article 7. Amendment of Birth Record to Reflect Change in Surname of Parents

10460. Whenever the parents of a minor child born in this State have their surname changed by order of a court of this State, an affidavit of that fact may be filed by the parents with the State Registrar upon a form provided for that purpose.

10461. Upon receipt of the affidavit and a copy of the court order and upon payment of the required fee, the State Registrar shall establish a new birth certificate for the child reflecting this change in surname, and all records relating to this

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

birth shall be handled in the manner prescribed in Article 5 of this chapter, if the original record of birth is on file in the Office of the State Registrar.

CHAPTER 9. ADMINISTRATIVE PROCEDURE TO ESTABLISH RECORD OF BIRTH

Article 1. General Provisions

10500. The provisions of this chapter are not exclusive of the provisions of Chapters 3 and 10 of this division, but offer an alternative method of establishing a record of birth.

10501. Delayed certificates of birth issued pursuant to this chapter shall not be considered as evidence in any action or proceeding involving estates of decedents or in any proceeding to establish heirship unless the affidavit of at least one person who knew the facts was filed at the time of obtaining the certificate.

10502. An application may be filed with the State Registrar for the delayed registration of birth of any person born in this State whose birth is not registered. Such application may be made only by the person whose birth is being registered if he is 18 years of age or over at the time of filing the application. If the person whose birth is being registered is under 18 years of age at the time of filing the application, the application may be made only by his mother, father, guardian or attendant at birth.

Article 2. Application

10510. The application shall be made on the forms prescribed and furnished by the State Registrar and shall contain such information and shall be accompanied by such affidavits and documentary evidence as required to enable the State Registrar to determine whether such birth did in fact occur at the place and date alleged.

Article 3. Evidence

10520. "Affidavit," as used in this chapter, is defined as a written statement executed under oath by a person who at the time of birth was of sufficient age to have knowledge of the facts of birth and shall include the full name of the person whose birth is being registered, the names of his parents, the date and place of his birth and the basis of the affiant's knowledge of these facts.

10521. "Documentary evidence," as used in this chapter, is defined as original or certified copies of a record which was executed at least five years prior to the date of application, and which substantiates the date and place of birth of the person whose birth is being registered; except that if the person whose birth is being registered is under 12 years of age

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

the record shall have been executed only at least two years before the date of application. Examples of documentary evidence which shall generally be considered acceptable are hospital records of birth, baptismal certificates or other church records, school records, census records, statements in applications for insurance policies, military service records, voting registration records, family Bible records, birth certificate of child of person whose birth is being registered, certificates of registry of marriage, and newspaper notices of birth.

10522. For births which are being registered under this chapter wherein the date of application is less than seven years following the date of birth, only one affidavit of the physician or other attendant at birth, mother or father of the person whose birth is being registered is required.

10523. For births which are being registered under this chapter wherein the date of application is seven years or more following the date of birth there shall be required documentary evidence and affidavits as follows:

(a) Two pieces of documentary evidence, at least one of which shall support the parentage, or

(b) One piece of documentary evidence and one affidavit executed by the physician or other attendant, or

(c) One piece of documentary evidence and two affidavits executed by either the mother, father, or other persons having knowledge of the facts of birth.

Article 4. Registration

10530. Upon receipt by the State Registrar of an application for delayed registration of birth and payment of the required fee, he shall review the application together with the affidavits and documentary evidence accompanying it and shall accept the application if the application and evidence submitted comply with the provisions of this chapter. After acceptance by the State Registrar the application shall constitute a delayed certificate of birth, and the State Registrar shall permanently preserve such certificates in a systematic manner and shall prepare and maintain a comprehensive and continuous index of all such certificates.

10531. The State Registrar shall send a certified copy of the delayed certificate of birth to the applicant without additional cost.

10532. The State Registrar shall send certified copies of the delayed certificate of birth to the local registrar and the county recorder within which area the birth occurred and in whose offices copies of records of the year of occurrence of the event are on file.

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

CHAPTER 10. COURT PROCEEDINGS TO ESTABLISH RECORD OF BIRTH, DEATH OR MARRIAGE

10550. A verified petition may be filed by any beneficially interested person with the county clerk of the superior court in and for (a) the county in which the birth, death or marriage is alleged to have occurred, or (b) the county of residence of the person whose birth or marriage it is sought to establish, or (c) the county in which such person was domiciled at the date of death, if such person has died, for an order to judicially establish the fact of, and the time and place of a birth, death or marriage which is not registered or for which a certified copy is not obtainable.

10551. The petition shall be verified and shall contain all the facts necessary to enable the court to determine the fact of and the time and place of the birth, death, or marriage upon the proofs adduced in behalf of the petitioner at the hearing.

10552. If the time and place of birth are not known, the petition shall contain all of the facts known to the petitioner or otherwise available and a statement of the probable time and place of birth as accurately as the circumstances permit. Such petition shall be verified as to the known facts only.

10553. Upon the filing of the petition a hearing shall be fixed by the clerk and at the convenience of the court set at a time not less than five nor more than 10 days after the filing of the petition. The hearing may be held in chambers. The court, for good cause, may continue the hearing beyond the 10-day period.

10554. The fee for filing the petition shall be three dollars (\$3), one dollar (\$1) of which shall go to the law library fund of the county. In counties having more than one superior court judge, the petition may be heard by any judge thereof hearing probate matters, or if a probate department has been designated for hearing probate matters, the clerk shall assign the matter to the probate department for hearing.

10555. If, upon the hearing, the allegations of the petition are established to the satisfaction of the court, the court may make an order determining that the birth, death, or marriage did in fact occur at the time and place shown by the proofs adduced at the hearing.

10556. If the time and place of birth are not known, the court shall receive and consider such evidence and testimony as may be available and from the facts adduced may, by order, fix the time and place which the court finds to be a probable time and place of birth of the person in relation to whom the petition has been filed, as the time and place of such birth. The time and place so fixed shall thereafter for all purposes be the time and place of birth of such person.

10557. The order shall be made in the form and upon the blank prescribed and furnished by the State Registrar and

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

shall become effective upon a filing of a certified copy with the State Registrar.

10558. The State Registrar shall send certified copies of the court order delayed certificate to the local registrar and the county recorder within which area the event occurred and in whose offices copies of records of the year of occurrence of the event are on file, except that if the event occurred outside the State, a certified copy shall be sent only to the county recorder of the county in which the petitioner resides.

CHAPTER 11. CERTIFIED COPY AND VERIFICATION OF RECORDS

10575. The State Registrar, local registrar or county recorder shall, upon request and payment of the required fee, supply to any applicant a certified copy of the record of any birth, fetal death, death, or marriage registered with him.

10575.1. Certified copies of certificates of birth for records amended under provisions of Articles 4, 5, 6 and 7 of Chapter 8, Division 9, of this code shall be issued only when the applicant for the certified copy is able to furnish information, exclusive of file numbers, adequate for identification and location of the amended record.

(Added by Stats. 1963, Ch. 176.)

10575.2. Upon application of a parent, the local registrar or county recorder shall request a copy of a new birth certificate amended under the provisions of Articles 4, 5, 6 and 7 of Chapter 8, Division 9, of this code, from the State Registrar. When such a request is received, the State Registrar shall send a copy of such new certificate to the local registrar or county recorder who shall then issue certified copies from such document. The copy of the new certificate returned to the local registrar or county recorder under this procedure shall be filed in the same manner as the copies of other certificates representing births which occurred during the same time period.

(Added by Stats. 1963, Ch. 176; amended by Stats. 1963, Ch. 820.)

10576. Certified copies of birth, fetal death, death, and marriage records may be made only by the State Registrar, by duly appointed and acting local registrars during their term of office, and by county recorders.

10577. Any birth, fetal death, death, or marriage record which was registered within a period of one year from the date of the event under the provisions of this division, or any copy of such record or part thereof, properly certified by the State Registrar, local registrar, or county recorder, is prima facie evidence in all courts and places of the facts stated therein.

10578. A short form of certification of birth registration which shall contain only identification information may be issued by the State Registrar, by the county recorder, or by any local registrar.

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

10579. A short form of certification of death registration, including only identification information and excluding the medical statement of the cause of death, may be issued by the State Registrar, county recorder, or any local registrar, upon forms prescribed and furnished by the State Registrar.

10580. Transcripts of records of births, fetal deaths, deaths, and marriages may be obtained by the United States Public Health Service from the State Registrar, without expense to the State and without payment of fees prescribed in this division.

10581. A certification limited to a statement as to the date of birth of any child needed for admission to school or for the purpose of securing employment shall be issued without fee by the local registrar or county recorder upon request of any parents or guardian.

(Added by Stats. 1957, Ch. 363; amended by Stats. 1957, Ch. 1819.)

10582. The state or local registrar or county recorder may, without fee verify a date and place of birth, when the applicant can present sufficient information to identify the birth record.

(Added by Stats. 1957, Ch. 363; amended by Stats. 1957, Ch. 1819.)

10583. The State Registrar, local registrar or county recorder may use a printed, stamped or photographically reproduced facsimile signature in certifying to a record in his office provided such certification has the seal of his office affixed thereto.

(Added by Stats. 1961, Ch. 175.)

CHAPTER 12. FEES OF STATE AND LOCAL REGISTRARS

Article 1. General Provisions

10600. The State Registrar and local registrars shall keep a true and correct account of all fees received by them.

10601. The money collected by the State Registrar shall be deposited with the State Treasurer for credit to the General Fund.

10602. The money collected by the local registrar shall be paid by him into the county or city treasury.

Article 2. Fee for Certified Copy or Search of Records

10605. The fee for making a certified copy of a birth, fetal death, death, or marriage record shall be paid by the applicant. The fee is two dollars (\$2) for each certified copy.

(Amended by Stats. 1959, Ch. 1325. Effective January 1, 1960.)

10606. The fee for any search of the files and records when no certified copy is made shall be paid by the applicant. The

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

fee is two dollars (\$2) for each hour or fractional hour of time of search.

(Amended by Stats. 1959, Ch. 1325. Effective January 1, 1960.)

10607. No fee shall be charged any publisher or editor of, or reporter employed by, a newspaper of general circulation or a news service to inspect, in the course and scope of his position or employment, any certificate of live birth, fetal death, or marriage, or any other certificate required by this division to be filed in the Office of the State Registrar or the office of any local registrar or county recorder, or any index of such certificates.

(Added by Stats. 1959, Ch. 873.)

Article 3. Other Fees

10610. The fee for issuance of a permit for disinterment of human remains is fifty cents (\$0.50), payable to the local registrar by the applicant for the permit.

10611. A fee of two dollars (\$2) shall be paid to the State Registrar by the applicant for the establishment of a new certificate of birth under the provisions of Article 7 of Chapter 8 of this division.

10612. A fee of four dollars (\$4) shall be paid to the State Registrar by the applicant at the time of application for a delayed birth registration under the provisions of Chapter 9 of this division. Upon acceptance of the application the State Registrar shall retain the fee.

(Amended by Stats. 1959, Ch. 539.)

CHAPTER 13. COMPENSATION OF APPOINTED LOCAL REGISTRARS OF BIRTHS AND DEATHS

10650. For local registrars serving under authority of Section 10051 of this division the State Registrar shall quarterly certify to the auditors of the several counties the number of births and deaths properly registered, with the names of the local registrars and the amounts due each at the rates fixed by this division.

10651. All amounts shall be paid by the treasurer of the county in which the registration district is located, upon warrants drawn by the auditor; provided, that no fee shall be paid by the county to any local registrar who is also a city or county officer or employee and whose salary is by law the sole compensation for his services.

10652. Each local registrar entitled to compensation shall be paid the sum of fifty cents (\$0.50) for each birth certificate and each death certificate properly and completely made out and registered with him, and correctly recorded and promptly returned by him to the State Registrar out of which fees he shall pay the subregistrar the sum of thirty cents (\$0.30) in

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

each case where the certificate is registered with the subregistrar.

10653. If no births or no deaths were registered during any week the local registrar is entitled to be paid the sum of fifty cents (\$0.50) for each report to that effect, but only if the report is made promptly as required by this division.

CHAPTER 14. PENALTIES

Article 1. Misdemeanors

10675. Every person who refuses or fails to furnish correctly any information in his possession, or furnishes false information affecting any certificate or record, required by this division is guilty of a misdemeanor.

10676. Every person who wilfully alters, otherwise than as permitted by this division, or falsifies any certificate of birth, fetal death, death, or registry of marriage, or any record established by this division is guilty of a misdemeanor.

10677. Every person who is required to fill out a certificate of birth, fetal death, death, or registry of marriage and register it with the local registrar, or deliver it, upon request, to any person charged with the duty of registering it, and who fails, neglects, or refuses to perform such duty in the manner required by this division is guilty of a misdemeanor.

10678. Every local registrar, deputy registrar, or subregistrar, who fails, neglects, or refuses to perform his duty as required by this division and by the instructions and directions of the State Registrar thereunder, is guilty of a misdemeanor.

10679. The punishment for misdemeanors referred to in this chapter shall be as follows:

(a) For the first offense a fine of not less than ten dollars (\$10).

(b) For each subsequent offense a fine of not less than fifty dollars (\$50), or imprisonment in the county jail not more than 60 days, or by both.

Article 2. Felony

10690. Any person who wilfully makes or files or causes to be made or filed a false certificate or affidavit under the provisions of Chapter 9 of this division is guilty of a felony and is also liable to the State of California for a civil penalty in the amount of five hundred dollars (\$500). Such civil penalty may be recovered in an action filed by the Attorney General in any court of competent jurisdiction. A penalty so recovered shall be paid into the State Treasury to the credit of the General Fund.

DIVISION 10. NARCOTICS

CHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS

Article 1. Definitions

11000. As used in this division, the terms "physician," "veterinarian," "dentist," "chiropodist," and "pharmacist," or any similar designation, mean persons who hold valid, unrevoked certificates to practice their respective professions in this State, issued by their respective examining boards in this State. The term "physician" includes physician and surgeon and includes an unlicensed person lawfully practicing medicine pursuant to Section 2147.5 of the Business and Professions Code, when acting within the scope of said section.

(Amended by Stats. 1940 (First Ex. Sess.), Ch. 9, by Stats. 1941, Ch. 1116, and by Stats. 1957, Ch. 985.)

11001. "Narcotics," as used in this division, means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(a) Opium and its derivatives and compounds, including but not limited to the following:

1. Raw, granulated, powdered, deodorized opium, tincture of opium, powdered or solid extracts of opium and opium preparations.

2. Mixed alkaloids of opium and their salts.

(b) Phenanthrene opium alkaloids, their salts, derivatives and compounds, including but not limited to the following:

1. Morphine alkaloid, morphine salts, morphine compounds and preparations.

2. Diacetylmorphine or heroin, its salts, compounds and preparations.

3. Methyilmorphine (codeine) and its salts.

4. Ethyilmorphine and its salts.

5. Pholecodine (betamorpholinylethyilmorphine), its salts, compounds and preparations.

6. Dihydromorphine and its salts, compounds and preparations.

7. Dihydromorphinone (hydromorphone) and its salts, compounds and preparation.

8. Methyl dihydromorphinone (metopon) and its salts, compounds and preparation.

9. Oxymorphone (dihydrohydroxymorphine), its salts, compounds and preparations.

10. Oxymorphone (dihydrohydroxymorphinone), its salts, compounds and preparations.

11. Dihydrocodeine and its salts, compounds and preparations.

12. Dihydrocodeinone (hydrocodone) and its salts, compounds and preparations.

13. Dihydrohydroxycodone (oxycodone) and its salts, compounds and preparations.

14. Benzylmorphine, its salts, compounds and preparations.

15. Morphine methylbromide, its salts, compounds and preparations.

16. Morphine methylsulfonate, its salts, compounds and preparations.

17. Desoxymorphine, its salts, compounds and preparations.

18. Dihydrodesoxymorphine-D, its salts, compounds and preparations (desomorphine).

19. Methyldesomorphine, its salts, compounds and preparations.

20. Genomorphine (morphine-N-oxide), its salts, compounds and preparations.

21. Myrophine (myristyl benzyl morphine), its salts, compounds and preparations.

22. Acetylcodeine (acetyldihydrocodeine), its salts, compounds and preparations.

23. Thebacon (acedicone, acetyldihydrocodeinone), its salts, compounds and preparations.

24. Thebaine, its salts, compounds and preparations.

(c) Coca leaves, their alkaloids, derivatives, extracts or compounds, including but not limited to the following:

1. Cocaine, its salts, compounds and preparations.

2. Ecgonine, its salts, compounds and preparations.

3. Tropococaine, its salts, derivatives, compounds and preparations.

(d) Marihuana (*Cannabis sativa*), its derivatives or compounds.

(e) Opiates, their salts, derivatives and compounds.

(f) Pethidine group:

1. Pethidine, 1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester, (isonipocaine, meperidine) its salts, compounds and preparations.

2. Anileridine, ethyl 1-[2-(p-aminophenyl)-ethyl]-4-phenylpiperidine 4-carboxylate, its salts, compounds and preparations.

3. Ketobemidone, 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone or 1-methyl-4-metahydroxyphenyl-4-propionylpiperidine, its salts, compounds and preparations.

4. Properidine, isopropyl 1-methyl-4-phenylpiperidine-4-carboxylate, its salts, compounds and preparations.

5. Hydroxypethidin (bemidone, oxypetidin), 1-methyl-4-(3-hydroxyphenyl)-piperidine-4-carboxylic acid ethyl ester or 1-methyl-4-metahydroxyphenylpiperidine-4-carboxylic acid ethyl ester, its salts, compounds and preparations.

6. Alphaprodine, A-1, 3-dimethyl-4-phenyl-4-propionoxypiperidine, its salts, compounds and preparations.

7. Betaprodine, B-1, 3-dimethyl-4-phenyl-4-propionoxypiperidine, its salts, compounds and preparations.

8. Alphameprodine, a-1-methyl-3-ethyl-4-phenyl-4-propionoxypiperidine, its salts, compounds and preparations.

9. Betameprodine, B-1-methyl-3-ethyl-4-phenyl-4-propionoxypiperidine, its sales [sic], compounds and preparations.

10. Morpheridine (morpholinoethylnorpethidine), 1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester or 1-(2-morpholinoethyl)-4-carbethoxy-4-phenylpiperidine, its salts, compounds and preparations.

11. Allylprodine, 3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine, its salts, compounds and preparations.

12. Piminodine, ethyl 4-phenyl-1-[3-(phenylamino)-propyl]-4-piperidinecarboxylate, its salts, compounds and preparations.

13. Diphenoxylate, ethyl 1-(3-cyano-3,3-diphenylpropyl)-4-phenyl-4-piperidine-carboxylate, its salts, compounds and preparations.

14. Benzethidine, (ethyl 1-(2-benzyloxy-ethyl)-4-phenyl-4-piperidine carboxylate), its salts, compounds and preparations.

15. Furethidine, (ethyl 1-(2-tetrahydrofurfuryloxyethyl)-4-phenyl-4-piperidine carboxylate), its salts, compounds and preparations.

(g) Methadone group:

1. Methadone, 4,4-diphenyl-6-dimethylaminoheptanone-3 or 6-dimethylamino-4,4-diphenyl-3-heptanone, its salts, compounds and preparations.

2. Isomethadone, 4,4-diphenyl-5-methyl-6-dimethylaminoheptanone-3 or 6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone, its salts, compounds and preparations.

3. Acetylmethadol (methadyl acetate), 4,4-diphenyl-6-dimethylamino-3-acetoxyheptane or 6-dimethylamino-4,4-diphenyl-3-acetoxyheptane, its salts, compounds and preparations.

4. Alphacetylmethadol, a-6-dimethylamino-4,4-diphenyl-3-acetoxyheptane, its salts, compounds and preparations.

5. Betacetylmethadol, B-6-dimethylamino-4,4-diphenyl-3-acetoxyheptane, its salts, compounds and preparations.

6. Alphamethadol, a-6-dimethylamino-4,4-diphenyl-3-heptanol, its salts, compounds and preparations.

7. Dimepheptanol, 4,4-diphenyl-6-dimethylaminoheptanol-3 or 6-dimethylamino-4,4-diphenyl-3-heptanol, its salts, compounds and preparations.

8. Dipipanone, piperidylamidone, piperidylmethadone, 4,4-diphenyl-6-piperidino-3-heptanone, its salts, compounds and preparations.

9. Normethadone, 4,4-diphenyl-6-dimethylamino-3-hexanone, its salts, compounds and preparations.

10. Phenadoxone, 4,4-diphenyl-6-morpholinoheptanone-3 or 6-morpholino-4,4-diphenyl-3-heptanone, its salts, compounds and preparations.

11. Dimenoxadol, dimethylaminoethyl 1-ethoxy-1,1-diphenylacetate or dimethylaminoethyl diphenyl-a-ethoxyacetate, its salts, compounds and preparations.

12. Dioxaphetyl Butyrate, ethyl 2,2-diphenyl-4-morpholinobutyrate, its salts, compounds and preparations.

13. Racemoramide, d,1-3-methyl-2,2-diphenyl-4-morpholinobutyrylpyrrolidine, its salts, compounds and preparations.

14. Dextromoramide, d-3-methyl-2,2-diphenyl-4-morpholinobutyrylpyrrolidine or d-2,2-diphenyl-3-methyl-4-morpholinobutyrylpyrrolidine, its salts, compounds and preparations.

15. Diampromide, (N-[2-([Methyl]-phenethylamino)-propyl]-propionanilide), its salts, compounds and preparations.

16. Phenampromide (N-(1-Methyl-2-piperidinoethyl)-propionanilide), its salts, compounds and preparations.

(h) Morphinan group:

1. Racemorphan, d,1-3-hydroxy-N-methylmorphinan, its salts, compounds and preparations.

2. Levorphanol, 1-3-hydroxy-N-methylmorphinan, its salts, compounds and preparations.

3. Dextrorphan, d-3-hydroxy-N-methylmorphinan, its salts, compounds and preparations.

4. Levomethorphan, 1-3-methoxy-N-methylmorphinan, its salts, compounds and preparations.

5. Racemethorphan, d,1-3-methoxy-N-methylmorphinan, its salts, compounds and preparations.

6. Norlevorphanol, (-)-3-hydroxynormorphinan, its salts, compounds and preparations.

7. Levophenacymorphan, (-)-3-hydroxy-N-phenacylmorphinan, its salts, compounds and preparations.

8. Phenomorphan, 3-hydroxy-N-phenethylmorphinan, its racemic and levorotatory forms (but excepting its dextrorotatory form), their salts, compounds and preparations.

9. Metazocine, (methobenzorphan), 2'-hydroxy-2,5,9-trimethyl-6,7-benzomorphan, its salts, compounds and preparations.

10. Phenazocine (phenobenzorphan), 2'-hydroxy-5,9-dimethyl-2-(2-phenylethyl)-6,7-benzorphan, its salts, compounds and preparations.

(i) Thiambutene group:

1. Diethylthiambutene (diethibutin, diethylambutene), 3-diethylamino-1,1-di-(2-thienyl)-1-butene, its salts, compounds and preparations.

2. Dimethylthiambutene (aminobutene, dimethibutin), 3-dimethylamino-1,1-di-(2-thienyl)-1-butene, its salts, compounds and preparations.

3. Ethylmethylthiambutene (ethylmethiambutene), 3-ethylmethylamino-1,1-di-(2-thienyl)-1-butene, its salts, compounds and preparations.

(j) Hexamethyleneimine Group:

1. Proheptazine, 1,3-dimethyl-4-phenyl-4-propionyxyhexamethyleneimine, its salts, compounds and preparations.

(k) Miscellaneous Group:

1. 2-(p-Chlorobenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole, its salts, compounds and preparations.

2. 2-(p-Ethoxybenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole, its salts, compounds and preparations.

(l) All parts of the plant of the genus *Lophophora* whether growing or otherwise; the buttons thereof, the alkaloids ex-

tracted from any such plant; and every compound, salt, derivative, mixture or preparation of such plant.

(m) Any substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in the foregoing subdivisions.

(Amended by Stats. 1940 (1st Ex. Sess.), Ch. 9, by Stats. 1945, Ch. 955, by Stats. 1949, Ch. 1475, by Stats. 1953, Ch. 1191, by Stats. 1955, Ch. 1380, by Stats. 1959, Ch. 736, and by Stats. 1961, Ch. 368.)

11002. "Narcotics," as used in this division, also means any of the salts, derivatives, or compounds of a narcotic or any preparation or compound containing a narcotic or its salts, derivatives, or compounds.

11002.1. The chief by title may add new narcotics to those enumerated in Sections 11001 and 11002 after notice and hearing, in accordance with the Administrative Procedure Act, Chapter 4 of Part 1 of Division 3 of Title 2 of the Government Code; provided, however, that such rule shall be drafted in form of proposed narcotic law for submission to the next succeeding general session of the Legislature; and provided further, that no such rule shall remain in effect beyond ninety days after the final adjournment of that session of the Legislature.

(Added by Stats. 1949, Ch. 1475.)

11003. "Cannabis sativa," as used in this division, means the male or female of any species commonly known as cannabis sativa, hemp, Indian hemp, or marihuana.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1943, Ch. 468.)

11003.1. "Marijuana" as used in this division means all parts of the plant Cannabis sativa L. (commonly known as marijuana), whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin.

(Added by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959.)

11004. "State division," as used in this division, means the Division of Narcotic Enforcement in the State Department of Justice.

(Amended by Stats. 1945, Ch. 955.)

11005. "Chief," as used in this division, means the Chief of the Division of Narcotic Enforcement.

11006. "Board of Pharmacy," as used in this division, means the California State Board of Pharmacy.

11007. "Prescription," as used in this division, means a prescription for a narcotic. Such a prescription is an oral order given individually for the person for whom prescribed, directly from the prescriber to the furnisher or indirectly by means of an order written in ink or indelible pencil in the handwriting of the prescriber, signed by the prescriber, and shall contain the address of the prescriber, his federal narcotic registry

number, the name and address of the patient, the name and quantity of the drug prescribed, directions for use, and shall be dated as of the date on which it is written.

(Amended by Stats. 1963, Ch. 740.)

11008. "Sale," as used in this division, includes barter, exchange, or gift, or offer thereof, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee

11009. (Amended by Stats. 1940 (First Ex. Sess.), Ch. 9; repealed by Stats. 1957, Ch. 1064.)

11010. "Opium pipe," as used in this division, includes a pipe, together with the usual attachments, or other apparatus used or intended to be used in the smoking of opium or heroin.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11011. "Vehicle," as used in this division, means any vehicle or equipment used for the transportation of persons or things.

11012. "Transport," as used in this division, with reference to narcotics, includes "conceal," "convey," or "carry."

11013. "Owner," as used in this division, with reference to a vehicle, means any person having any right, title, or interest in it.

11014. "Person" as used in this division, includes any corporation, association, copartnership, company or one or more individuals.

(Added by Stats. 1945, Ch. 955.)

11015. "Osteopath," as used in this division, shall be those persons who are licensed in the State of California as osteopathic physicians and surgeons.

(Added by Stats. 1945, Ch. 955.)

11016. "Division," as used in this division, unless otherwise specifically designated, means Division 10, Health and Safety Code.

(Added by Stats. 1945, Ch. 955.)

Article 2. (Repealed by Stats. 1945, Ch. 955)

11035. (Amended by Stats. First Ex. Sess. 1940; Ch. 9; amended and renumbered 11228 by Stats. 1945, Ch. 955.)

11036. (Repealed by Stats. First Ex. Sess. 1940, Ch. 9.)

CHAPTER 2. DIVISION OF NARCOTIC ENFORCEMENT

11100. There is in the Department of Justice a Division of Narcotic Enforcement.

(Amended by Stats. 1943 (Third Ex. Sess.), Ch. 2.)

11101. There is a Chief of the Division of Narcotic Enforcement, who is appointed and whose salary is fixed by the Attorney General pursuant to the State Civil Service Act.

The provisions of Article XXIV of the Constitution and the term "State civil service" shall apply to and include the chief of the division.

(Amended by Stats. 1943 (Third Ex. Sess.), Ch. 2.)

11102. The State division shall enforce all laws regulating the cultivation, production, sale, giving away, prescribing, administering, furnishing, or having in possession narcotic or other dangerous drugs other than those drugs enumerated in schedules "A" and "B" of Chapter 102, Statutes of 1907.

(Amended by Stats. 1941, Ch. 394.)

11103. The Attorney General may, in conformity with the State Civil Service Act, employ such inspectors, chemists, clerical, and other employees as are necessary for the conduct of the affairs of the Division of Narcotic Enforcement. Two of the inspectors shall be registered licentiates in pharmacy.

(Amended by Stats. 1951, Ch. 1282.)

11104. The state division may employ a physician to interview and examine any patient for whom any narcotic has been prescribed or to whom any narcotic has been furnished or administered, or who is an habitual user of narcotics, or who has a previous narcotic addiction record.

The patient shall submit to the interview and examination and shall not in any manner hinder or impede it.

The physician employed by the state division to conduct the interview and examination shall report the results of the examination and interview to the state division.

The physician so employed may testify in any action brought under this division or in any hearing before the State Board of Medical Examiners or the State Board of Osteopathic Examiners and his testimony is not privileged.

Every person who violates any provision of this section is guilty of a misdemeanor.

(Amended by Stats. 1949, Ch. 1475.)

11105. The chief and the inspectors appointed by him have the powers and duties of peace officers in the performance of their duties.

11106. The chief and the inspectors appointed by him, when authorized so to do by the chief, may expend such sums as the chief deems necessary in the purchase of drugs for evidence and in the employment of operators to obtain evidence.

The sums so expended shall be repaid to the officer making the expenditures upon claims audited by the chief and approved by the Department of Finance. The claims when approved shall be paid out of the funds appropriated or made available by law for the support or use of the State division.

11107. This division does not prohibit the inspectors of the Board of Pharmacy from inspecting records in connection with the regulation of the sale, giving away, prescribing, or administering, of narcotics or other drugs.

CHAPTER 3. PRESCRIPTIONS

Article 1. Requirements of Prescriptions

11160. (Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1941, Ch. 1116; amended and renumbered 11500 by Stats. 1945, Ch. 955.)

11161. No person other than a physician, dentist, podiatrist or veterinarian shall write a prescription.

(Amended by Stats. 1941, Ch. 1116, and by Stats. 1961, Ch. 215.)

11161.1. A prescription written by an unlicensed person lawfully practicing medicine pursuant to Section 2147.5 of the Business and Professions Code, shall be filled only at a pharmacy maintained in the hospital which employs such unlicensed person.

(Added by Stats. 1957, Ch. 1043.)

11162. No person shall write, issue, fill, compound, or dispense a prescription that does not conform to this division.

(Amended by Stats. 1945, Ch. 955.)

11162.5. A prescription, in order to be effective in legalizing the possession of unstamped narcotic drugs and eliminating the necessity for use of order forms, must be issued for legitimate medical purposes. The responsibility for the proper prescribing and dispensing of narcotic drugs is upon the practitioner, but a corresponding liability rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued to an addict or habitual user of narcotics, not in the course of professional treatment but for the purpose of providing the user with narcotics sufficient to keep him comfortable by maintaining his customary use, is not a prescription within the meaning and intent of this division; and the person filling such an order, as well as the person issuing it, may be charged with violation of the law.

(Added by Stats. 1945, Ch. 955.)

11163. Except in the regular practice of his profession, no person shall prescribe, administer, or furnish, a narcotic to or for any person who is not under his treatment for a pathology or condition other than narcotic addiction, except as provided in this division.

11163.5. Any physician, who by court order or order of any state or governmental agency, or who voluntarily surrenders his narcotic privileges, shall not possess, administer, or prescribe a narcotic unless and until such privileges have been restored and he has obtained current registration from the United States Collector of Internal Revenue as provided by law.

(Added by Stats. 1949, Ch. 1475.)

11164. No person shall prescribe for or administer, or dispense a narcotic to an addict, or to any person representing himself as such, except as permitted by this division.

(Amended by Stats. 1945, Ch. 955.)

11165. No person shall issue a prescription that is false or fictitious in any respect.

11166. No person shall write a prescription unless it is wholly written in ink or indelible pencil in the handwriting of the prescriber, signed and dated by him as of the date on which it is written, contains the name and address for whom pre-

scribed and states the name and the quantity of the narcotic prescribed.

(Amended by Stats. 1939, Ch. 1097; by Stats. 1945, Ch. 955; and by Stats. 1949, Ch. 1475.)

11166.01. An order for narcotics for use by a patient in a county or licensed hospital shall be exempt from all requirements of this article, but shall be in writing on the patient's record, signed by the prescriber, dated, and shall state the name and quantity of the narcotic ordered and the quantity actually administered. The record of said orders shall be maintained as a hospital record for a minimum of seven years and shall be available for inspection by all properly authorized officers of the law, including all inspectors of the state division and of the Board of Pharmacy.

(Added by Stats. 1957, Ch. 824.)

11166.02. Except as provided in Section 11166.12 of this code, no person shall order or prescribe for a narcotic or fill, compound, or dispense a prescription for a narcotic unless it is wholly written in ink or indelible pencil in the handwriting of the prescriber, signed and dated by the prescriber, and containing the name and address of the person for whom prescribed, and stating the name and quantity of the narcotic prescribed.

(Added by Stats. 1949, Ch. 1475; amended by Stats. 1953, Ch. 1207.)

11166.05. Prescription blanks shall be issued by the state division in serially numbered groups of 100 forms each in triplicate, and shall be furnished free of cost to any person authorized to write a prescription, and such prescription blanks shall not be transferable. Any person possessing any such prescription blank otherwise than as herein provided is guilty of a misdemeanor.

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9; by Stats. 1945, Ch. 955; and by Stats. 1949, Ch. 1475.)

11166.06. The prescription blanks shall be printed on distinctive paper, serial number of the group being shown on each form, and also each form being serially numbered.

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11166.07. Not more than one such prescription group shall in any case be issued or furnished by the State division to the same prescriber at one time.

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1945, Ch. 955.)

11166.08. No person shall issue a prescription other than on the official prescription form issued by the State division, and no person shall fill any prescription other than on the official prescription form issued by the State division, except that in the case of an epidemic or a sudden or unforeseen accident or calamity a prescriber may issue a prescription upon a form other than the official prescription form issued by the

State division, where failure to issue such prescription might result in loss of life or intense suffering, but such a prescription shall have indorsed thereon by the prescriber a statement concerning the accident, calamity, or circumstances constituting the emergency because of which the unofficial blank is used.

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11166.09. All prescriptions on the official blanks shall be written in triplicate, all three copies signed by the prescriber.

(Added by Stats. 1939, Ch. 1097.)

11166.10. The prescription book containing the prescriber's copies of prescriptions issued shall be retained by the prescriber which shall be preserved for two years and shall at all times be open to inspection by inspectors of the State division, special agents of the Board of Medical Examiners, inspectors of the Board of Osteopathic Examiners, and inspectors of the Board of Pharmacy.

(Added as 11166.1 by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9; amended and renumbered by Stats. 1945, Ch. 955.)

11166.11. The original and one copy of the prescription shall be delivered to the person filling the prescription. The duplicate shall be properly endorsed by the pharmacist filling the prescription at the time such prescription is filled. The original shall be retained by the person filling the prescription, and at the end of each month in which the prescription is filled, the duplicate shall be returned to the state division.

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9; by Stats. 1945, Ch. 955; and by Stats. 1949, Ch. 1475.)

11166.12. The provisions of this code with reference to the writing of narcotic prescriptions on official triplicate blanks and the filling thereof do not apply to any of the following:

(a) Codeine, dihydrohydroxycodeinone, or dihydrocodeinone combined with other nonnarcotic medicinal ingredients.

(b) Codeine in combination with any of the narcotic drugs mentioned in this section, with the exception of dihydrocodeinone or dihydrohydroxycodeinone.

(c) Preparations containing not more than two grains of opium to the fluid or avoirdupois ounce combined with other nonnarcotic medicinal ingredients except codeine.

(d) Apomorphine hydrochloride.

(e) Ethylmorphine hydrochloride.

(f) Papaverine hydrochloride.

(g) Noscapine (formerly narcotine).

(h) Pharmaceutical preparations in solid or liquid form containing not more than $2\frac{1}{2}$ milligrams diphenoxylate and not less than 25 micrograms atropine sulfate per dosage unit.

Any of the combinations mentioned in the above subsections may be dispensed upon an oral prescription which must be

reduced to writing within twenty-four (24) hours, by the pharmacist. The name and address of the person for whom prescribed and the name, address, telephone number and registered number of the prescriber must be recorded on the prescription.

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess., 1940, Ch. 9, by Stats. 1941, Ch. 744, by Stats. 1945, Ch. 955, by Stats. 1949, Ch. 1475, by Stats. 1951, Ch. 1149, by Stats. 1953, Ch. 114, by Stats. 1959, Ch. 645 and by Stats. 1963, Ch. 796.)

11166.13. When codeine, or dihydrocodeinone or tincture opii camphorata (paregoric) is not combined with other medicinal ingredients, it shall be prescribed on the official triplicate blanks.

(Added by Stats. 1949, Ch. 1475.)

11166.14. Medicinal compounds as referred to in Sections 11166.12 and 11166.13 are compounds containing nonnarcotic drugs.

(Added by Stats. 1949, Ch. 1475.)

11167. No person shall prescribe, administer, or furnish a narcotic for himself.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11168. No person shall prescribe, administer, or furnish a narcotic except under the conditions and in the manner provided by this division.

11169. No person shall antedate or postdate a prescription.

11170. (1) No person shall obtain or attempt to obtain narcotics, or procure or attempt to procure the administration of or prescription for narcotics, (a) by fraud, deceit, misrepresentation, or subterfuge; or (b) by the concealment of a material fact.

(2) No person shall make a false statement in any prescription, order, report, or record, required by this division.

(3) No person shall, for the purpose of obtaining narcotics, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian, or other authorized person.

(4) No person shall affix any false or forged label to a package or receptacle containing narcotics.

(Amended by Stats. 1945, Ch. 955, and by Stats. 1949, Ch. 1475.)

11170.5. No person shall, in connection with the prescribing, furnishing, administering, or dispensing of a narcotic, give a false name or false address.

(Added by Stats. 1949, Ch. 1475.)

11171. No person shall obtain or possess a prescription that does not comply with this division.

11172. Except as provided in Section 11166.12 of this code, no person shall prescribe over a telephone or furnish a narcotic pursuant to a telephone order, except that in an emergency a pharmacist or his employee or responsible agent may deliver a narcotic pursuant to the telephone order of a person authorized

to prescribe a narcotic, if the pharmacist, employee or agent is supplied with a prescription for such narcotic before delivery.

The employee or agent shall immediately deliver said prescription to the pharmacist. The pharmacist shall file the prescription within a reasonable time.

(Amended by Stats. 1953, Ch. 1767.)

11173. No person shall fill a prescription if it shows evidence of alteration, erasure, or addition by any person other than the person writing it.

11174. No person shall fill a prescription unless it is tendered to him on or before the seventh day following the date of issue.

11175. A person who fills a prescription shall keep it on file for at least three years from the date of filing it.

11176. No person shall obtain or possess a narcotic obtained by a prescription that does not comply with this division.

11177. A narcotic prescription on file shall at all times be open to inspection by the prescriber, and properly authorized officers of the law, including all inspectors of the State division and of the Board of Pharmacy.

11178. (Added by Stats. 1939, Ch. 1097; repealed by Stats. First Ex. Sess. 1940, Ch. 9.)

Article 2. Exempt Narcotics

11200. The provisions of this division requiring prescriptions and physicians' reports do not apply to preparations containing in one fluid ounce, or, if a solid or semisolid preparation, in one avoirdupois ounce, without additional narcotics, not more than one grain of codeine, or two grains of Noscapine (formerly Narcotine) or to mistura glycyrrhiza compound, N.F. However, the exemptions herein provided do not exempt any person from the provisions of Section 11225 of this division.

(Amended by Stats. 1939, Ch. 1097, by Stats. First Ex. Sess., 1940, Ch. 9, by Stats. 1941, Ch. 744, by Stats. 1945, Ch. 955, by Stats. 1949, Ch. 1475, by Stats. 1953, Ch. 412, and by Stats. 1959, Ch. 654.)

11201. This article does not except tincture opii camphorata (commonly known as paregoric) from the provisions of this division and it may be sold only upon the prescription of a physician, and the prescription shall not be again refilled or dispensed.

Article 3. Prescriber's Record

11225. Every person who issues a prescription, or administers or dispenses a narcotic shall make a record that, as to the transaction, shows all of the following:

(a) The name and address of the patient.

(b) The date.

(c) The character and quantity of narcotics involved.

(d) The pathology and purpose for which the prescription is issued, or the narcotic administered, prescribed, or dispensed.

11226. The record shall be preserved for two years and shall at all times be open to inspection by inspectors of the State division and inspectors of the Board of Pharmacy.

Every person who violates any provision of this section is guilty of a misdemeanor.

11227. In a prosecution under this division proof that a defendant received or has had in his possession at any time a greater amount of narcotics than is accounted for by any record required by law or that the amount of narcotics possessed by a defendant is a lesser amount than is accounted for by any record required by law is prima facie evidence of guilt.

(Amended by Stats. 1945, Ch. 955.)

11228. Any record required by this division shall be open at all times to inspection by properly authorized officers of the law, including inspectors of the State division and the Board of Pharmacy. It is unlawful to refuse to permit, or to obstruct such inspection.

(Formerly 11035; amended and renumbered by Stats. 1945, Ch. 955.)

Article 4. Copies of Prescriptions

11250. Whenever the pharmacist's copy of a narcotic prescription is removed by a peace officer, inspector of the State division, or inspector of the Board of Pharmacy, for the purpose of investigation or as evidence, the officer or inspector shall give to the pharmacist a receipt in lieu thereof.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

Article 5. Refilling Prescriptions

11275. No person shall refill a narcotic prescription. However, where a prescription was originally issued for a narcotic preparation for which a prescription was not by law required, a prescription can be refilled unless the prescriber otherwise directs.

(Amended by Stats. 1939, Ch. 1097.)

Article 6. Pharmacists' Records

(Article 6 added by Stats. 1963, Ch. 589)

11280. The owner of a pharmacy or any person who purchases a narcotic upon federal order forms as required under the provisions of an act of Congress approved December 17, 1914, relating to the importation, manufacture, production, compounding, sale, dealing in, dispensing and giving away of opium, coca leaves, isonipeccaine or opiates or any compound, manufacture, salt, derivative, or preparation thereof, and who sells narcotics obtained upon such federal order forms in response to prescriptions shall maintain and file such prescrip-

tions in a separate file apart from nonnarcotic prescriptions. Such files shall be preserved for a period of three years.

(Added by Stats. 1963, Ch. 589.)

11281. The prescription file shall constitute a record that as to the transactions shall show all of the following:

(a) The name and address of the patient.

(b) The date.

(c) The character and quantity of the narcotics involved.

(d) The name, address, and federal registry number of the prescriber.

(Added by Stats. 1963, Ch. 589.)

11282. No person other than a registered pharmacist under the laws of this State shall compound, prepare, fill or dispense a prescription for a narcotic.

(Added by Stats. 1963, Ch. 589.)

11283. In a prosecution under this division, proof that a defendant received or has had in his possession at any time a greater amount of narcotics than is accounted for by any record required by law or that the amount of narcotics possessed by the defendant is a lesser amount than is accounted for by any record required by law is prima facie evidence of guilt.

(Added by Stats. 1963, Ch. 589.)

CHAPTER 4. USE OF NARCOTICS

Article 1. Lawful Medical Use Other Than Treatment of Addicts

11330. A physician may prescribe for, furnish to, or administer narcotics to his patient when the patient is suffering from a disease, ailment, injury, or infirmities attendant upon old age, other than narcotic addiction.

The physician shall prescribe, furnish, or administer narcotics only when in good faith he believes the disease, ailment, injury, or infirmity, requires such treatment.

The physician shall prescribe, furnish, or administer narcotics only in such quantity and for such length of time as are reasonably necessary.

11331. (Repealed by Stats. 1945, Ch. 955.)

11331.5. In order to provide a supply of narcotics as may be necessary to handle emergency cases, any hospital which does not employ a resident pharmacist and which is under the supervision of a licensed physician, may purchase narcotics on Federal order forms for said institution, under the name of said hospital, said supply to be made available to a registered nurse for administration to patients in emergency cases, upon direction of a licensed physician.

A report showing the kind and amount of narcotics purchased on the Federal order form shall be forwarded, by registered mail, to the Division of Narcotic Enforcement, at the time such narcotics are purchased and a record shall be kept of such rush, emergency administration of narcotics, including the

amount given, the type, the date given, and the name and address of the person to whom administered.

(Added by Stats. 1941, Ch. 394; amended by Stats. 1949, Ch. 1475.)

11332. Persons registered and taxed under Section 4722 of Title 26, United States Code, and lawfully entitled to obtain and use in a laboratory needed narcotic drugs for the purpose of research, instruction or analysis, may lawfully obtain and use for such purposes lophophora substances as defined in Section 11001, upon registration with and written approval by the Chief of the Division of Narcotic Enforcement. Complete records of receipts, stocks at hand and use of these substances shall be kept. These records shall at all times be open to inspection by any authorized agent of the Division of Narcotic Enforcement.

(Repealed by Stats. First Ex. Sess., 1940, Ch. 9; added by Stats. 1959, Ch. 1563.)

Article 2. Treatment of Addicts for Addiction

11390. Any narcotic employed in treating an addict for addiction shall be administered by a physician, or by a registered nurse acting under his instruction.

11390.5. No physician or other person shall order, permit or direct any person other than a registered nurse, or other physician, to administer a narcotic to a person being treated for narcotic addiction.

(Added by Stats. 1949, Ch. 1475.)

11391. No person shall treat an addict for addiction except in one of the following:

(a) An institution approved by the Board of Medical Examiners, and where the patient is at all times kept under restraint and control.

(b) A city or county jail.

(c) A state prison.

(d) A state narcotic hospital.

(e) A state hospital.

(f) A county hospital.

This section does not apply during emergency treatment or where the patient's addiction is complicated by the presence of incurable disease, serious accident, or injury, or the infirmities of old age.

Neither this section nor any other provision of this division shall be construed to prohibit the maintenance of a place in which persons seeking to recover from narcotic addiction reside and endeavor to aid one another and receive aid from others in recovering from such addiction, nor does this section or such division prohibit such aid, provided that no person is treated for addiction in such place by means of administering, furnishing, or prescribing of narcotics. The preceding sentence is declaratory of pre-existing law. Every such place shall register with and be approved by the Board of Medical

Examiners. The board may inspect such places at reasonable times and, if it concludes that the conditions necessary for approval no longer exist, it may withdraw approval. Every person admitted to such a place shall register with the police department of the city in which it is located or, if it is outside of the city limits, with the sheriff's office. The place shall maintain its own register of all residents. It shall require all its residents to register with said police department or sheriff's office and, upon termination of the residence of any person in said place, it shall report the name of the person terminating residence to said police department or sheriff's office.

(Amended by Stats. 1940 (1st Ex. Sess.), Ch. 9, by Stats. 1945, Ch. 955, by Stats. 1949, Ch. 1475, and by Stats. 1961, Ch. 1075.)

11392. A physician treating an addict for addiction shall not prescribe for or furnish the addict more than any one of the following amounts of narcotics during each of the first 15 days of such treatment:

- (a) Eight grains of opium.
- (b) Four grains of morphine.
- (c) Six grains of Pantopon.
- (d) One grain of Dilaudid.
- (e) Four hundred milligrams of Isonipecaine (Demerol).
- (f) One hundred eighty milligrams of Amidone.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1949, Ch. 1475.)

11393. After 15 days of treatment the physician shall not prescribe for or furnish to the addict more than any one of the following amounts of narcotics during each day of such treatment.

- (a) Four grains of opium.
- (b) Two grains of morphine.
- (c) Three grains of Pantopon.
- (d) One-half grain of Dilaudid.
- (e) Two hundred milligrams of Isonipecaine (Demerol).
- (f) Ninety milligrams of Amidone.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1949, Ch. 1475.)

11394. At the end of 30 days from the first treatment, the prescribing or furnishing of narcotics shall be discontinued.

11395. The physician treating an addict for addiction shall within five days after the first treatment report by registered mail, over his signature, to the State division, stating the name and address of the patient, and the name and quantities of narcotics, if any, prescribed.

The report shall state the progress of the patient under the treatment.

The physician shall in the same manner further report on the fifteenth day of the treatment and on the thirtieth day of

the treatment, and thereafter shall make such further reports as are requested in writing by the State division.

(Amended by Stats. 1945, Ch. 955.)

11396. In any case in which a person is taken into custody by arrest or other process of law and is lodged in a jail or other place of confinement, and there is reasonable cause to believe that such person is a narcotic addict, it is the duty of the person in charge of the place of confinement to provide the person so confined with medical aid as necessary to ease any symptoms of withdrawal from the use of narcotics.

(Repealed by Stats. First Ex. Sess. 1940, Ch. 9, added by Stats. 1963, Ch. 2137.)

Article 3. Physicians' Reports

11425. A physician prescribing or furnishing a narcotic to an habitual user shall within five days after first prescribing or furnishing the narcotic personally report in writing by registered mail, over his signature, to the State division.

The report shall contain all of the following:

- (a) Name of the patient.
- (b) Address of the patient.
- (c) Character of the injury or ailment.
- (d) Quantity and kind of narcotic used.
- (e) A statement as to whether or not the patient is an addict.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11426. The physician shall upon request in writing from the State division furnish any additional reports upon the treatment of the user as the State division may request in writing.

Article 4. Veterinarians

11450. No veterinarian shall prescribe, administer, or furnish a narcotic for himself or any other human being.

11451. A prescription written by a veterinarian shall state the kind of animal for which ordered and the name and address of the owner or person having custody of the animal.

(Amended by Stats. 1945, Ch. 955.)

Article 5. (Repealed by Stats. 1947, Ch. 931)

11475. (Repealed by Stats. 1947, Ch. 931.)

11476. (Amended by Stats. 1941, Ch. 1116; repealed by Stats. 1947, Ch. 931.)

11477. (Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1941, Ch. 1116; repealed by Stats. 1947, Ch. 931.)

11478. (Repealed by Stats. 1947, Ch. 931.)

11479. (Amended by Stats. 1941, Ch. 1116, and by Stats. 1945, Ch. 955; repealed by Stats. 1947, Ch. 931.)

CHAPTER 5. ILLEGAL NARCOTICS

(Chapter heading amended by Stats. 1945, Ch. 955)

Article 1. Illegal Sale, Possession, Administration
and Transportation

(Article heading added by Stats. 1945, Ch. 955)

11500. Except as otherwise provided in this division, every person who possesses any narcotic other than marijuana except upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this State, shall be punished by imprisonment in the state prison for not less than two years nor more than 10 years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than two years in prison.

If such a person has been previously convicted once of any felony offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than five years nor more than 20 years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison.

If such a person has been previously convicted two or more times of any felony offense described in this division or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison from 15 years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 15 years in prison.

(Formerly 11160. Amended by Stats. 1940 (1st Ex. Sess.), Ch. 9, and by Stats. 1941, Ch. 1116; amended and renumbered 11500 by Stats. 1945, Ch. 955; amended by Stats. 1955, Ch. 1466, by Stats. 1959, Ch. 1112, and by Stats. 1961, Ch. 215 and Ch. 274.)

NOTE: Stats. 1961, Ch. 274, also contained the following provision:
SEC. 16. This act shall be known and may be cited as the Regan-Dills Act.

11500.5. Except as otherwise provided in this division, every person who possesses for sale any narcotic other than

marijuana shall be punished by imprisonment in the state prison for not less than five years nor more than 15 years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than $2\frac{1}{2}$ years in prison.

If such person has been previously once convicted of any felony offense described in this division or has been previously once convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than 10 years, and shall not be eligible for release upon completion of sentence, or parole, or on any other basis until he has served not less than six years in prison.

If such a person has been previously two or more times convicted of any felony offense described in this division or has been previously two or more times convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison for not less than 15 years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 15 years in prison.

(Added by Stats. 1961, Ch. 274. See note following Section 11500.)

11501. Except as otherwise provided in this division, every person who transports, imports into this State, sells, furnishes, administers or gives away, or offers to transport, import into this State, sell, furnish, administer, or give away, or attempts to import into this State or transport any narcotic other than marijuana except upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this State shall be punished by imprisonment in the state prison from five years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than three years in prison.

If such a person has been previously convicted once of any felony offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court

trial, or is admitted by the defendant, he shall be imprisoned in a state prison from 10 years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 10 years in prison.

If such a person has been previously convicted two or more times of any felony offense described in this division or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison from 15 years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 15 years in prison.

(Added by Stats. 1953, Ch. 1770; repealed and added by Stats. 1959, Ch. 1112; amended by Stats. 1961, Ch. 215 and Ch. 274. See note following Section 11500.)

11502. Every person of the age of 21 years or over who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that said minor shall knowingly violate, with respect to a narcotic other than marijuana, any provision of this chapter or Section 11721, or who hires, employs, or uses a minor to knowingly and unlawfully transport, carry, sell, give away, prepare for sale, or peddle any narcotic other than marijuana or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any narcotic other than marijuana to a minor shall be punished by imprisonment in the state prison from 10 years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison.

If such a person has been previously convicted once of any felony offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison from 10 years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 10 years in prison.

If such a person has been previously convicted two or more times of any felony offense described in this division or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which

if committed in this State would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison from 15 years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 15 years in prison.

(Added by Stats. 1953, Ch. 1770; repealed and added by Stats. 1959, Ch. 1112; amended by Stats. 1961, Ch. 274. See note following Section 11500.)

11502.1. Every person under the age of 21 years who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that said minor shall knowingly violate, any provision of this chapter or Section 11721, or who hires, employs, or uses a minor to knowingly and unlawfully transport, carry, sell, give away, prepare for sale or peddle any narcotic other than marijuana or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any narcotic other than marijuana to a minor shall be punished by imprisonment in the state prison not less than five years.

If such a person has been previously convicted of any felony offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than 10 years.

This section is not intended to affect the jurisdiction of the juvenile court.

(Added by Stats. 1961, Ch. 274. See note following Section 11500.)

11503. Every person who agrees, consents, or in any manner offers to unlawfully sell, furnish, transport, administer, or give any narcotic to any person, or offers, arranges, or negotiates to have any narcotic unlawfully sold, delivered, transported, furnished, administered, or given to any person and then sells, delivers, furnishes, transports, administers, or gives, or offers, arranges, or negotiates to have sold, delivered, transported, furnished, administered, or given to any person any other liquid, substance, or material in lieu of any narcotic shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not more than 10 years.

(Added by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959.)

11504. As used in this article "felony offense," and offense "punishable as a felony" refer to an offense for which the law prescribes imprisonment in the state prison as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

(Added by Stats. 1961, Ch. 274. See note following Section 11500.)

Article 2. Marihuana

(Formerly Article 1. Renumbered by Stats. 1945, Ch. 955)

11530. Every person who plants, cultivates, harvests, dries, or processes any marijuana, or any part thereof, or who possesses any marijuana, except as otherwise provided by law, shall be punished by imprisonment in the state prison for not less than one year nor more than 10 years and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than one year in prison.

If such person has been previously convicted once of any felony offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than two years nor more than 20 years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than two years in prison.

If such person has been previously convicted two or more times of any felony offense described in this division or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison for five years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison.

(Amended by Stats. 1940 (1st Ex. Sess.), Ch. 9, by Stats. 1945, Ch. 955, by Stats. 1949, Ch. 1475, by Stats. 1953, Ch. 1770, by Stats. 1959, Ch. 1112; and by Stats. 1961, Ch. 274. See note following Section 11500.)

11530.5. Every person who possesses for sale any marijuana except as otherwise provided by law shall be punished by imprisonment in the state prison for not less than two years nor

more than 10 years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than two years in prison.

If such a person has been previously once convicted of any felony offense described in this division or has been previously once convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than five years nor more than 15 years, and shall not be eligible for release upon completion of sentence, or parole, or any other basis until he has served not less than three years in prison.

If such a person has been previously two or more times convicted of any felony offense described in this division or has been previously two or more times convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison from 10 years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than six years in prison.

(Added by Stats. 1961, Ch. 274. See note following Section 11500.)

11531. Every person who transports, imports into this State, sells, furnishes, administers or gives away, or offers to transport, import into this State, sell, furnish, administer, or give away, or attempts to import into this State or transport any marijuana shall be punished by imprisonment in the state prison from five years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than three years.

If such a person has been previously convicted once of any felony offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in a state prison from five years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison.

If such a person has been previously convicted two or more times of any felony offense described in this division or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in a state prison from 10 years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 10 years in prison.

(Amended by Stats. 1940 (1st Ex. Sess.), Ch. 9; repealed by Stats. 1945, Ch. 955; added by Stats. 1959, Ch. 1112; amended by Stats. 1961, Ch. 274. See note following Section 11500.)

11532. Every person of the age of 21 years or over who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, giving away, preparing for sale or peddling any marijuana, or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any marijuana to a minor, or who induces a minor to use marijuana in violation of law, is guilty of a felony punishable by imprisonment in the state prison from 10 years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison.

If such a person has been previously convicted once of any felony offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison from 10 years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 10 years in prison.

If such a person has been previously convicted two or more times of any felony offense described in this division or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison from 15

years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 15 years in prison.

(Added by Stats. 1959, Ch. 1112; amended by Stats. 1961, Ch. 274. See note following Section 11500.)

11533. As used in this article "felony offense," and offense "punishable as a felony" refer to an offense for which the law prescribes imprisonment in the state prison as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

(Added by Stats. 1961, Ch. 274. See note following Section 11500.)

Article 1a. (Added by Stats. 1941, Ch. 394; repealed by Stats. 1945, Ch. 955)

11540. (Added by Stats. 1941, Ch. 394; repealed by Stats. 1945, Ch. 955.) Section of same number added to Article 2.5, below.

11541. (Added by Stats. 1941, Ch. 394; repealed by Stats. 1945, Ch. 955.)

Article 2.5. Lophophora

(Article 2.5 added by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959)

11540. Every person who plants, cultivates, harvests, dries, or processes any plant of the genus *Lophophora*, also known as peyote, or any part thereof shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not more than 10 years.

If such a person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than two years nor more than 20 years.

(Added by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959.)

Article 3. Narcotic Pipes and Resorts

(Formerly Article 2. Renumbered by Stats. 1945, Ch. 955)

11555. It is unlawful to possess an opium pipe or any device, contrivance, instrument or paraphernalia used for unlawfully injecting or smoking a narcotic.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, by Stats. 1949, Ch. 1475, and by Stats. 1953, Ch. 434.)

11556. It is unlawful to visit or to be in any room or place where any narcotics are being unlawfully smoked or used with knowledge that such activity is occurring.

(Added by Stats. 1940 (First Ex. Sess.), Ch. 9; amended by Stats. 1945, Ch. 955, by Stats. 1949, Ch. 1475, by Stats. 1953, Ch. 434, and by Stats. 1957, Ch. 2157.)

11557. Every person who opens or maintains any place for the purpose of unlawfully selling, giving away or using any narcotic shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not more than 10 years.

If such a person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than two years nor more than 20 years.

(Added by Stats. First Ex. Sess. 1940, Ch. 9; amended by Stats. 1953, Ch. 434 and Ch. 1770, and by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959.)

CHAPTER 6. SALE WITHOUT PRESCRIPTION

11570. No prescription is required in case of the sale of narcotics at retail in pharmacies by pharmacists to any of the following:

- (a) Physicians.
- (b) Dentists.
- (c) Chiropodists.
- (d) Veterinarians.

In any sale mentioned in this article, there shall be executed any written order that may otherwise be required by law or by the provisions of Section 2 of an act of Congress, approved Dec. 17, 1914, as heretofore amended, relating to the production, importation, manufacture, compounding, sale, dispensing, or giving away of opium, isonipecaine, or coca leaves and salts, derivatives, or preparations.

(Amended by Stats. 1939, Ch. 1097, by Stats. 1941, Ch. 1116, and by Stats. 1945, Ch. 955.)

11571. No prescription is required in case of sales at wholesale by jobbers, wholesalers and manufacturers to any of the following:

- (a) Pharmacists as defined in the Business and Professions Code.
- (b) Physicians.
- (c) Dentists.
- (d) Chiropodists.
- (e) Veterinarians.

(f) Other jobbers, wholesalers or manufacturers.

(Amended by Stats. 1941, Ch. 1116.)

11572. All wholesale jobbers, wholesalers, and manufacturers, mentioned in this division shall keep, in a manner readily accessible, the written orders or blank forms required to be preserved under the provisions of Section 2 of the act of Congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing, or giving away of opium, isonipecaine, or coca leaves and salts, derivatives, or preparations.

(Amended by Stats. 1945, Ch. 955.)

11573. The written orders or blank forms shall always be open for inspection by any peace officer or any inspector or member of the Board of Pharmacy or the chief or any inspector of the State division.

The written orders or blank forms shall be preserved for at least three years after the date of the last entry made.

11574. A true and correct copy of all orders, contracts, or agreements taken for narcotics shall be forwarded by registered mail to the State division within 24 hours after the taking of the order, contract, or agreement, unless the order, contract, or agreement is recorded as required under the provisions of Section 2 of an act of Congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing, or giving away of opium, isonipecaine, or coca leaves, their salts, derivatives, or preparations, by a wholesale jobber, wholesaler, or manufacturer, permanently located in this State, as provided for in that section.

(Amended by Stats. 1945, Ch. 955.)

11575. The taking of any order, or making of any contract or agreement, by any traveling representative or employee of any person for future delivery in this State, of any narcotic constitutes a sale within the meaning of this division.

11576. Within 24 hours after any purchaser in this State gives any order to, or makes any contract or agreement for purchases from or sales by, an out-of-State wholesaler or manufacturer of any narcotics for delivery in this State, the purchaser shall forward to the State division by registered mail a true and correct copy of the order, contract, or agreement.

CHAPTER 7. ENFORCEMENT

Article 1. Forfeiture of Vehicles

11610. The interest of any registered owner of a vehicle used to unlawfully transport or facilitate the unlawful transportation of any narcotic, or in which any narcotic is unlawfully kept, deposited, or concealed or which is used to facilitate the unlawful keeping, depositing or concealment of any narcotic, or in which any narcotic is unlawfully possessed by an occupant thereof or which is used to facilitate the unlawful

possession of any narcotic by an occupant thereof, shall be forfeited to the State.

(Amended by Stats. 1940 (1st Ex. Sess.), Ch. 9, by Stats. 1955, Ch. 1209, and by Stats. 1959, Ch. 2085.)

11611. Any peace officer of this State, upon making or attempting to make an arrest for a violation of this division, shall seize any vehicle used to unlawfully transport any narcotic or to facilitate the unlawful transportation of any narcotic, or in which any narcotic is unlawfully kept, deposited or concealed or which is used to facilitate the unlawful keeping, depositing or concealment of any narcotic, or in which any narcotic is unlawfully possessed by an occupant thereof, or which is used to facilitate the unlawful possession of a narcotic by an occupant thereof, and shall immediately deliver such vehicle to the Division of Narcotic Enforcement of the Department of Justice to be held as evidence until a forfeiture has been declared or a release ordered.

(Amended by Stats. 1940 (1st Ex. Sess.), Ch. 9, by Stats. 1949, Ch. 1475, and by Stats. 1955, Ch. 1209.)

11612. Within fifteen (15) days after such seizure, the Chief of the Division of Narcotic Enforcement shall cause an investigation to be made as to any claimant to the vehicle whose right, title, interest or lien is of record in the Department of Motor Vehicles. If he finds that any person, other than the registered owner, is the legal owner thereof he shall forthwith send a notice of such seizure to such legal owner at his address appearing on the records of the Department of Motor Vehicles. Notice of seizure and intended forfeiture proceedings shall be filed with the county clerk and shall be served on all owners whose interest will be affected thereby.

(Amended by Stats. 1959, Ch. 2085.)

11613. Notice shall be given to each owner according to one of the following methods:

(a) Upon each owner whose right, title, or interest is of record in the Department of Motor Vehicles, by mailing a copy of the notice by registered mail to the address as given upon the records of the Department of Motor Vehicles.

(b) Upon each owner whose name and address is known, to the last known address of the owner.

(c) Upon all other owners, whose addresses are unknown, but who are believed to have an interest in the vehicle, by one publication in a newspaper of general circulation in the county where the seizure was made.

11614. Within 20 days after the mailing or publication of the notice, any owner of any right, title, or interest in, or lien upon, a seized vehicle may file a verified answer to the fact of the use of the vehicle alleged in the notice of seizure and of the intended forfeiture proceeding; and any legal owner, holding a bona fide lien, mortgage or conditional sales contract may file a verified answer to the facts set forth in the notice and setting forth, if such be the fact, that his lien, mortgage, or conditional sales contract was acquired without actual knowledge that the

vehicle was to be used for the purposes referred to in Section 11610.

(Amended by Stats. 1959, Ch. 2085.)

11615. No extensions of time shall be granted for the purpose of filing the answer.

11616. If at the end of 20 days after the notice has been mailed or published there is no verified answer on file, the court, upon motion, shall declare the vehicle forfeited to the State. Notwithstanding any other provision of law, a certified copy of said declaration of forfeiture, duly filed with the Department of Motor Vehicles, shall constitute authority for the State to convey clear title to the vehicle to any purchaser thereof in the manner provided in this article.

(Amended by Stats. 1955, Ch. 1209.)

11617. If a verified answer is filed, the forfeiture proceeding shall be set for hearing on a day not less than 30 days therefrom, and the proceeding has priority over other civil cases.

11618. Notice of the hearing shall be given in the same manner as provided for service of notice of seizure.

11619. At the hearing, any owner who has a verified answer on file may show by competent evidence that the vehicle was not used to transport narcotics, or that narcotics were not unlawfully possessed by an occupant of the vehicle, and any legal owner holding a bona fide lien, mortgage or conditional sales contract may show that he acquired his interest without actual knowledge that the vehicle was to be used for the purposes referred to in Section 11610.

(Amended by Stats. 1955, Ch. 1209, and by Stats. 1959, Ch. 2085.)

11620. (Amended by Stats. 1955, Ch. 1209; repealed by Stats. 1959, Ch. 2085.)

11621. No lien acquired pursuant to Chapter 6.5 (commencing with Sec. 3067) of Title 14 of Part 4 of Division 3 of the Civil Code shall be affected by a forfeiture decreed hereunder.

(Amended by Stats. 1959, Ch. 2085.)

11622. If the court finds that the vehicle was not used for any purposes referred to in Section 11610 and that no narcotic was unlawfully possessed by any occupant thereof, the court shall order the vehicle released to the person entitled thereto. If the court does not so find but does find that the legal owner holding a bona fide lien, mortgage, or conditional sales contract acquired his interest without actual knowledge that the vehicle was to be used for the purposes referred to in Section 11610 and if the amount due him is equal to, or in excess of, the appraised value of the vehicle, the court shall order the vehicle released to such legal owner. If the amount thereunder is less than the appraised value of the vehicle, the legal owner may pay to the Department of Finance the amount of the registered owner's equity, said equity to be the sum difference between appraised value and the legal owner's outstanding lien, mort-

gage or conditional sales contract. Upon such payment the State shall relinquish all claims to the vehicle. If the legal owner elects not to make such payment to the Department of Finance, the vehicle shall be deemed forfeited to the Department of Finance and the ownership certificate shall be forwarded. Appraised value is to be determined as of the date judgment is entered on a wholesale basis and shall be an agreed value between the legal owner and the Department of Finance, or if such cannot agree then by the inheritance tax appraiser for the county in which the action is brought.

(Amended by Stats. 1959, Ch. 2085.)

11623. If the amount due to such person is less than the value of the vehicle, the vehicle shall be sold at public auction by the Department of Finance.

11624. The Department of Finance shall publish a notice of the sale by one publication in a newspaper published and circulated in the city, community, or locality where the sale is to take place.

11625. In all cases where a vehicle seized by the State division is forfeited to the State and turned over to and sold by the Department of Finance, the proceeds of the sale shall be distributed as follows, in the order indicated:

(a) To the bona fide or innocent purchaser, conditional sales vendor, or mortgagee of the vehicle, if any, up to the amount of his interest in the vehicle, when the court declaring the forfeiture orders a distribution to such person.

(b) The balance, if any, to accumulate, and, from time to time, as the proceeds become sufficient, to be distributed:

1. To the Department of Finance for all expenditures made or incurred by it in connection with the sale, including expenditure for any necessary repairs, storage or transportation, of any vehicle seized under this article.

2. To the Attorney General for all expenditures made or incurred by him in connection with the forfeiture proceedings of any vehicle seized under this article, including but not limited to, expenditures for witness fees, reporters' fees, transcripts, printing, traveling and investigation.

3. To the State division for all expenditures for traveling, investigation, storage, and other expenses made or incurred by the division after the seizure, and in connection with the forfeiture of any vehicle seized under this article.

4. The remainder, if any, to the State Treasury, for credit to the General Fund.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11626. In any case the Department of Finance may, within 30 days after judgment, pay the balance due to the bona fide or innocent purchaser, lien holder, mortgagee, or vendor and purchase the vehicle for the State.

11627. If the court finds that the vehicle was not used to unlawfully transport narcotics, or to facilitate the unlawful transportation of narcotics, the court shall order the vehicle released to the owner as his right, title or interest appears of

record in the Department of Motor Vehicles as of the date of seizure.

(Amended by Stats. 1955, Ch. 1209.)

11628. When a vehicle has been ordered forfeited to the State, it shall be turned over to the Department of Finance, which shall deliver to the State division such forfeited vehicles as may be needed by the division to enforce the provisions of this division.

11629. The provisions of this division relative to forfeiture of vehicles do not apply to a common carrier, or to an employee acting within the scope of his employment in the enforcement of this division.

Article 2. Seizure and Disposition of Narcotics

11650. Narcotics possessed in violation of this division, and all opium pipes, may be seized by any peace officer, and in aid of such seizure a search warrant or search warrants may be issued in the manner and form prescribed in the Penal Code.

11651. All opium pipes seized under the provisions of this division shall, upon conviction of the owner or defendant, be ordered destroyed by the judge of the court in which conviction is had.

11652. The order of destruction shall contain the name of the party charged with the duty of destruction, but the judge shall turn all such evidence over to the State division for destruction.

11653. All narcotics that have been seized under this division shall, by order of the court upon the conviction of the owner or defendant, be turned over immediately to the State division for destruction or disposition.

11654. Narcotics and opium pipes seized under this division, now in the possession of any city or county official, or of the State Board of Pharmacy, or that may hereafter come into their possession, in which no trial was had, shall be delivered to the State division for destruction or disposition.

No narcotics or opium pipes coming into the possession of the State division as described in this section shall be destroyed within six months from seizure.

11655. The state division may dispose of narcotics, other than heroin or smoking opium, by gift to the medical superintendent of state prisons or state hospitals, for medical purposes. Such limited quantities of marijuana (*Cannabis sativa*), its derivatives or compounds, as the Chief of the Bureau of Narcotic Enforcement may specify may be given to the heads of schools of medicine, pharmacology, and criminology which have been approved by the Attorney General, for the purpose of research or instruction in narcotic drugs. The head of such school shall personally receipt for such narcotics and shall make a record of their disposition. The receipt and record shall

be retained by the Chief of the Bureau of Narcotic Enforcement.

(Amended by Stats. 1961, Ch. 2096.)

11656. When narcotics or opium pipes have been seized pursuant to this division and the defendant or owner has escaped from custody and is a fugitive from justice, they shall upon demand of the State division, be turned over to it for safekeeping until such time as the owner or defendant is apprehended and prosecuted for violation of this division.

11657. When narcotics or opium pipes have been seized pursuant to this division and the case has been disposed of by way of dismissal or otherwise than by way of conviction, they shall by order of the court, be turned over immediately to the State division, unless the court finds that the narcotics were lawfully possessed by the defendant.

Article 3. Prosecutions and Disposition of Fines

11680. The district attorney of the county in which any violation of this division is committed shall conduct all actions and prosecutions for the violation.

However, subject to the approval of the Attorney General, the chief may employ special counsel for that purpose, who may take complete charge of the conduct of such actions or prosecutions. The chief may fix the compensation to be paid for the service and may incur such other expense in connection with the conduct of the actions or prosecutions as he may deem necessary. No attorney employed as special counsel shall receive as compensation more than three thousand five hundred dollars (\$3,500) in any one year.

11680.5. The State of California, or any political subdivision thereof, may maintain an action against any person or persons engaged in the unlawful sale of narcotics for the recovery of any public funds paid over to such person or persons in the course of any investigation of violations of Division 10 (commencing with Section 11000) of the Health and Safety Code. All proceedings under this section shall be instituted in the Superior Court of the county where the funds were paid over, where the sale was made, or where the defendant resides.

(Added by Stats. 1961, Ch. 1164.)

11681. All moneys, forfeited bail, or fines received by any court under this division shall as soon as practicable after the receipt thereof be deposited with the county treasurer of the county in which such court is situated. Amounts so deposited shall be paid at least once a month as follows: 75 percent to the State Treasurer by warrant of the county auditor drawn upon the requisition of the clerk or judge of said court to be deposited in the State Treasury on order of the State Comptroller; and 25 percent to the city treasurer of the city, if the offense occurred in a city, otherwise to the treasurer of the county in which the prosecution is conducted.

Any money deposited in the State Treasury under the provisions of this section which is determined by the State Com-

troller to have been erroneously deposited therein shall be refunded by him, subject to approval of the State Board of Control prior to the payment of such refund, out of any money in the State Treasury which is available by law for such purpose.

(Amended by Stats. 1953, Ch. 523, and by Stats. 1955, Ch. 1658.)

11682. Judges and magistrates who collect fines or forfeitures under this division shall keep a record thereof, and, upon the imposition of any such fine or forfeiture, shall at least monthly transmit a record of it to the county auditor. The county auditor shall transmit a record of the imposition, collection and payment of such fines or forfeitures to the State Controller at the time of transmittal of each warrant to the State Treasurer pursuant to this article.

(Amended by Stats. 1953, Ch. 523.)

11683. When an imprisonment has been imposed for a violation of this division, and before the termination of the sentence, the defendant is released by the vacation of the sentence of imprisonment and the imposition of a fine or forfeiture instead, the fine or forfeiture shall be recorded and accounted for in the same manner as though it had been imposed in the first instance.

11684. Whenever a fine has been imposed for violation of this division, and before the full payment of the fine a sentence of imprisonment is imposed instead, the imprisonment shall be recorded and accounted for to the county auditor.

(Amended by Stats. 1953, Ch. 523.)

11685. (Repealed by Stats. 1953, Ch. 523.)

11686. The State Controller shall check the reports and records received by him with the transmittals of fines and forfeitures and whenever it appears that fines or forfeitures have not been transmitted the county auditor shall and the State Controller may bring suit to enforce their collection or transmittal, or both.

(Amended by Stats. 1953, Ch. 523.)

11687. The official bond of any judge or magistrate is liable for his failure to transmit the fines or forfeitures imposed by him under this division.

11688. The records kept by a judge or magistrate under this division are open to public inspection, and may be checked by the State Controller, the Attorney General, the district attorney of the particular county, or the State division.

Article 4. Penalties

11710. All duly authorized peace officers, while investigating violations of this division in performance of their official duties, and any person working under their immediate direction, supervision or instruction, are immune from prosecution under this division.

(Repealed by Stats. First Ex. Sess. 1940, Ch. 9; added by Stats. 1953, Ch. 1770.)

11711. (Repealed by Stats. First Ex. Sess. 1940, Ch. 9.)

11712. (Amended by Stats. 1940 (1st Ex. Sess.), Ch. 9, by Stats. 1941, Ch. 744, and by Stats. 1953, Ch. 1770; repealed by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959.)

11713. (Amended by Stats. 1940 (1st Ex. Sess.), Ch. 9, by Stats. 1945, Ch. 955, by Stats. 1953, Ch. 1770, and by Stats. 1954 (Ex. Sess.), Ch. 12; repealed by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959.)

11714. (Amended by Stats. 1951, Ch. 1149 and Ch. 1506, and by Stats. 1953, Ch. 1770; repealed by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959.)

11715. Every person who forges or alters a prescription or who issues or utters an altered prescription, or who issues or utters a prescription bearing a forged or fictitious signature for any narcotic, or who obtains any narcotic by any forged, fictitious, or altered prescription, or who has in possession any narcotic secured by such forged, fictitious, or altered prescription, shall for the first offense be punished by imprisonment in the county jail for not less than six months nor more than one year, or in the state prison for not more than six years, and for each subsequent offense shall be imprisoned in the state prison for not more than ten years.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, by Stats. 1945, Ch. 955, and by Stats. 1949, Ch. 1475.)

11715.5. When there is reason to believe that any person arrested for violation of Sections 11500, 11501, 11502, 11503, 11530, 11531, 11532, 11540, 11557, 11715, or 11721, may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters.

(Added by Stats. 1939, Ch. 1097; amended by Stats. 1953, Ch. 1770, by Stats. 1954 (Ex. Sess.), Ch. 12, and by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959.)

11715.6. In no case shall any person convicted of violating Sections 11500, 11500.5, 11501, 11502, 11503, 11530, 11530.5, 11531, 11532, 11540, 11557, or 11715, or of committing any offense referred to in those sections, be granted probation by the trial court, nor shall the execution of the sentence imposed upon such person be suspended by the court, if such person has been previously convicted of any felony offense described in this division, or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division except Section 11721.

In no case shall any person who was of the age of 21 years or over at the time of the commission of the offense, who is convicted for the first time of selling, furnishing, administering or giving a narcotic other than marijuana to a minor or inducing a minor to use such a narcotic in violation of law, be granted probation by the trial court nor shall the execution

of the sentence imposed on such a person be suspended by the court.

(Added by Stats. 1939, Ch. 1097; amended by Stats. 1949, Ch. 1329, by Stats. 1951, Ch. 1149, by Stats. 1953, Ch. 1770, by Stats. 1959, Ch. 1112, and by Stats. 1961, Ch. 274. See note following Section 11500.)

11715.7. Any person who shall violate any of the provisions of Sections 11162, 11162.5, 11163, 11163.5, 11164, 11170 and 11170.5, or who in any voluntary manner solicits, induces, encourages or intimidates any minor with the intent that said minor shall violate any provision of such sections, shall be punished by imprisonment in the state prison not exceeding six years or in a county jail not exceeding one year.

(Added by Stats. 1945, Ch. 955; amended by Stats. 1949, Ch. 1475, by Stats. 1957, Ch. 139, and by Stats. 1961, Ch. 274. See note following Section 11500.)

11715.8. In addition to the term of imprisonment provided by law for persons convicted of violating Sections 11500, 11500.5, 11501, 11502, 11530, 11530.5, 11531 and 11532 of this code, the trial court may impose a fine not exceeding twenty thousand dollars (\$20,000) for each such offense. In no event shall said fine be levied in lieu of or in substitution for the term of imprisonment provided by law for any of said offenses.

(Added by Stats. 1961, Ch. 274. See note following Section 11500.)

11716. Every person who violates or fails to comply with any provision of this division, except one for which a penalty is otherwise in this division specifically provided, is guilty of a misdemeanor punishable by a fine in a sum not less than thirty dollars (\$30) nor more than five hundred dollars (\$500), or by imprisonment for not less than 15 nor more than 180 days, or by both.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11717. The Board of Pharmacy may revoke the registration of any registered pharmacist or registered assistant pharmacist upon conviction of violating any provision of this division, and in such case the registration shall not be restored before the period of one year from the date of the revocation.

11718. In any criminal proceeding for violation of any provision of this division no allegation of fact which, if admitted or found to be true, would change the penalty for the offense charged from what the penalty would be if such fact were not alleged and admitted or proved to be true may be dismissed by the court or stricken from the accusatory pleading except upon motion of the district attorney.

(Added by Stats. 1959, Ch. 1772.)

Article 4.5. Addicts

(Article 4.5 added by Stats. 1939, Ch. 1079)

11720. (Added by Stats. 1939, Ch. 1079; amended by Stats. First Ex. Sess. 1940, Ch. 9; repealed by Stats. 1945, Ch. 955.)

11721. No person shall use, or be under the influence of narcotics, excepting when administered by or under the direction of a person licensed by the State to prescribe and administer narcotics. It shall be the burden of the defense to show that it comes within the exception. Any person convicted of violating any provision of this section is guilty of a misdemeanor and shall be sentenced to serve a term of not less than 90 days nor more than one year in the county jail. The court may place a person convicted hereunder on probation for a period not to exceed five years and shall in all cases in which probation is granted require as a condition thereof that such person be confined in the county jail for at least 90 days. In no event does the court have the power to absolve a person who violates this section from the obligation of spending at least 90 days in confinement in the county jail.

(Added by Stats. 1939, Ch. 1079; amended by Stats. 1945, Ch. 995, by Stats. 1949, Ch. 1475, by Stats. 1953, Ch. 1770, by Stats. 1954 (Ex. Sess.), Ch. 11, by Stats. 1955, Ch. 1381, by Stats. 1957, Ch. 1064 and by Stats. 1963, Ch. 913.)

11722. (a) Whenever any court in this State grants probation to a person who the court has reason to believe is or has been a user of narcotics, the court may require as a condition to probation that the probationer submit to periodic tests by a city or county health officer, or by a physician and surgeon appointed by the city or county health officer with the approval of the State Division of Narcotic Enforcement, to determine, by means of the use of synthetic opiate anti-narcotic in action whether the probationer is a narcotic addict.

In any case provided for in this subdivision, the city or county health officer, or the physician and surgeon appointed by the city or county health officer with the approval of the State Division of Narcotic Enforcement, shall report the results of the tests to the probation officer.

(b) In any case in which a person is granted parole by a county parole board and the person is or has been a user of narcotics, a condition of the parole may be that the parolee undergo periodic tests as provided in subdivision (a) and that the county or city health officer, or the physician and surgeon appointed by the city or county health officer with the approval of the State Division of Narcotic Enforcement, shall report the results to the board.

(c) In any case in which any state agency grants a parole to a person who is or has been a user of narcotics, it may be a condition of the parole that the parolee undergo periodic tests as provided in subdivision (a) and that the county or city health officer, or the physician and surgeon appointed by the city or county health officer with the approval of the State Division of Narcotic Enforcement, shall report the results of the tests to such state agency.

(d) The cost of administering tests pursuant to subdivisions (a) and (b) shall be a charge against the county. The cost of administering tests pursuant to subdivision (c) shall be paid by the State.

(e) The State Department of Public Health, in conjunction with the State Division of Narcotic Enforcement, shall issue regulations governing the administering of the tests provided for in this section and providing the form of the report required by this section.

(Added by Stats. 1939, Ch. 1079; repealed by Stats. 1953, Ch. 1770; added by Stats. 1957, Ch. 1894.)

11723. In any case in which a person has been arrested for a criminal offense and is suspected of being a narcotic addict, a law enforcement officer having custody of such person may, with the written consent of such person, request the city or county health officer, or physician appointed by such health officer pursuant to Section 11722, to administer to the arrested person a test to determine, by means of use of a synthetic opiate antinarcotic in action, whether the arrested person is a narcotic addict, and such health officer or physician may administer such test to such arrested person.

(Added by Stats. 1959, Ch. 1504.)

11728. The rehabilitation of narcotic addicts and the prevention of continued addiction to narcotics is a matter of statewide concern. It is the policy of the State to encourage each county and city and county to make use of synthetic opiate anti-narcotics in action and other testing procedures to determine narcotic addiction or the absence thereof, and to foster research in means of detecting the existence of narcotic addiction and in medical methods and procedures for that purpose.

(Added by Stats. 1959, Ch. 2129.)

NOTE: Stats. 1959, Ch. 2129, also contained the following provision:

SEC. 4. There is hereby appropriated to the Department of Justice out of the General Fund in the State Treasury the sum of fifty thousand dollars (\$50,000) to be expended during the 1959-60 Fiscal Year, for the rehabilitation, testing, and control of narcotic addicts as provided in Sections 11723 to 11725, inclusive, of the Health and Safety Code.

11729. The Department of Justice is directed to promote and sponsor the use by agencies of local government of the provisions of this article. The department may assist such agencies to establish facilities for, and to train personnel to conduct testing procedures pursuant to Section 11722, and may conduct demonstrations thereof for limited periods. For these purposes the department may procure such medical supplies, equipment, and temporary services of physicians and qualified consultants as may reasonably be necessary. Subject to the availability of funds appropriated for the purpose, the department may contract with any county or city and county which undertakes to establish facilities and a testing program pursuant to Section 11722, and such contract may provide

for payment by the State of such costs of initially establishing and demonstrating such program as the department may approve.

(Added by Stats. 1959, Ch. 2129.)

11730. (Added by Stats. 1959, Ch. 2129; repealed by Stats. 1963, Ch. 1672.)

Article 4.7. Narcotic Treatment-Control Units

(Article 4.7 added by Stats. 1959, Ch. 65)

11750. The Department of Corrections and the Department of the Youth Authority are authorized to establish narcotic treatment-control units in state correctional facilities or training schools or as separate establishments for such study, research, and treatment as may be necessary for control of the addiction or imminent addiction to narcotics of persons committed to the custody of the Director of Corrections or the Director of the Youth Authority.

(Added by Stats. 1959, Ch. 65.)

11751. When the Adult Authority concludes that there are reasonable grounds for believing that a man on parole is addicted to, or is in imminent danger of addiction to, narcotics, it may issue an order to detain or place such person in a narcotic treatment-control unit for a period not to exceed 90 days. Such order shall be a sufficient warrant for any peace officer or employee of the Department of Corrections to return to physical custody any such person. Detention pursuant to such order shall not be deemed a suspension, cancellation or revocation of parole until such time as the Adult Authority so orders pursuant to Section 3060 of the Penal Code. A parolee taken into physical custody pursuant to Section 3060 of the Penal Code may be detained in a narcotic treatment-control unit established pursuant to this article.

(Added by Stats. 1959, Ch. 65.)

11752. When the Youth Authority concludes that there are reasonable grounds for believing that a person committed to its custody, and on parole, is addicted to, or is in imminent danger of addiction to, narcotics, it may issue an order to detain or place such person in a narcotic treatment-control unit for not to exceed 90 days. Such order shall be a sufficient warrant for any peace officer or employee of the Department of the Youth Authority to return to physical custody any such person. Detention pursuant to such order shall not be deemed a suspension, cancellation, or revocation of parole unless the Youth Authority so orders pursuant to Section 1767.3 of the Welfare and Institutions Code.

With the consent of the Director of Corrections, the Director of the Youth Authority may, pursuant to this section, confine the addicted or potentially addicted person, over 18 years of age, in a narcotic treatment-control unit established by the Department of Corrections.

(Added by Stats. 1959, Ch. 65.)

11753. When the Board of Trustees of the California Institution for Women concludes that there are reasonable grounds for believing that a woman on parole is addicted to, or is in imminent danger of addiction to, narcotics, it may issue an order to detain or place such person in a narcotic treatment-control unit for a period not to exceed 90 days. Such order shall be a sufficient warrant for any peace officer or employee of the Department of Corrections to return to physical custody any such person. Detention pursuant to such order shall not be deemed a suspension, cancellation or revocation of parole until such time as the Board of Trustees so orders pursuant to Section 3060 of the Penal Code. A parolee taken into physical custody pursuant to Sections 3060 and 3325 of the Penal Code may be detained in a narcotic treatment-control unit established pursuant to this article.

(Added by Stats. 1959, Ch. 65.)

11754. The authority granted to the Adult Authority and the Youth Authority in no way limits Sections 3060 and 3325 of the Penal Code.

(Added by Stats. 1959, Ch. 65.)

Article 5. Abatement

11780. Every building or place used for the purpose of unlawfully selling, serving, storing, keeping, or giving away any narcotics as defined in this division, and every building or place wherein or upon which such acts take place, is a nuisance which shall be enjoined, abated, and prevented, whether it is a public or private nuisance.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1949, Ch. 1475.)

11781. Whenever there is reason to believe that such a nuisance is kept, maintained or exists in any county, the district attorney of the county, in the name of the people, shall, or any citizen of the State resident in the county, in his own name, may, maintain an action to abate and prevent the nuisance and perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the building or place, in or upon which the nuisance exists, from directly or indirectly maintaining or permitting the nuisance.

11782. Unless filed by the district attorney, the complaint in the action shall be verified.

11783. If the existence of the nuisance is shown in the action to the satisfaction of the court or judge, either by verified complaint or affidavit, the court or judge shall allow a temporary writ of injunction to abate and prevent the continuance or recurrence of the nuisance.

11784. Except when it is granted on application of the people of the State, on granting the temporary writ the court or judge shall require a written undertaking on the part of the applicant, with sufficient sureties, to the effect that he will pay to the defendant enjoined such damages, not exceeding an amount to be specified, as the defendant sustains by

reason of the injunction if the court finally decides that the applicant was not entitled to it.

11785. The action shall have precedence over all other actions, except criminal proceedings, election contests, hearings on injunctions, and actions to forfeit vehicles under this division.

11786. If the complaint is filed by a citizen it shall not be dismissed by him or for want of prosecution except upon a sworn statement made by him and his attorney, setting forth the reasons why the action should be dismissed, and by dismissal ordered by the court.

11787. In case of failure to prosecute the action with reasonable diligence, or at the request of the plaintiff, the court, in its discretion, may substitute any other citizen consenting thereto for the plaintiff.

11788. If the action is brought by a citizen and the court finds there was no reasonable ground or cause for the action, the costs shall be taxed against him.

11789. If the existence of the nuisance is established in the action, an order of abatement shall be entered as part of the judgment in the case, and plaintiff's costs in the action are a lien upon the building or place. The lien is enforceable and collectible by execution issued by order of the court.

11790. A violation or disobedience of the injunction or order for abatement is punishable as a contempt of court by a fine of not less than two hundred dollars (\$200) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not less than one nor more than six months, or by both.

11791. If the existence of the nuisance is established in the action, an order of abatement shall be entered as a part of the judgment, which order shall direct the removal from the building or place of all fixtures, musical instruments, and other movable property used in conducting, maintaining, aiding, or abetting the nuisance and shall direct their sale in the manner provided for the sale of chattels under execution.

The order shall provide for the effectual closing of the building or place against its use for any purpose, and for keeping it closed for a period of one year, unless sooner released, as provided in this division.

11792. While the order of abatement remains in effect, the building or place is in the custody of the court.

11793. For removing and selling the movable property, the officer is entitled to charge and receive the same fees as he would for levying upon and selling like property on execution; and for closing the premises and keeping them closed, a reasonable sum shall be allowed by the court.

11794. The proceeds of the sale of the movable property shall be applied as follows:

First—To the fees and costs of the removal and sale.

Second—To the allowances and costs of closing and keeping closed the building or place.

Third—To the payment of the plaintiff's costs in the action.

Fourth—The balance, if any, to the owner of the property.

11795. If the proceeds of the sale of the movable property do not fully discharge all of the costs, fees, and allowances, the building and place shall then also be sold under execution issued upon the order of the court or judge and the proceeds of the sale shall be applied in like manner.

11796. If the owner of the building or place has not been guilty of any contempt of court in the proceedings, and appears and pays all costs, fees, and allowances that are a lien on the building or place and files a bond in the full value of the property, to be ascertained by the court, with sureties, to be approved by the court or judge, conditioned that he will immediately abate any such nuisance that may exist at the building or place and prevent it from being established or kept thereat within a period of one year thereafter, the court, or judge may, if satisfied of his good faith, order the building or place to be delivered to the owner, and the order of abatement canceled so far as it may relate to the property.

The release of property under the provisions of this division does not release it from any judgment, lien, penalty, or liability to which it may be subject.

11797. Whenever the owner of a building or place upon which the act or acts constituting the contempt have been committed, or the owner of any interest therein, has been guilty of a contempt of court, and fined in any proceedings under this division, the fine is a lien upon the building or place to the extent of his interest in it.

The lien is enforceable and collectible by execution issued by order of the court.

Article 6. Registration of Narcotic Offenders

(Article 6 added by Stats. 1961, Ch. 850)

11850. Any person who is hereafter convicted in the State of California of a violation of Section 11500, 11500.5, 11501, 11502, 11503, 11530, 11530.5, 11531, 11532, 11540, 11557, 11715, or 11721 of the Health and Safety Code or any person who is hereafter discharged or paroled from a penal institution where he was confined because of the commission of any such offense, or any person who is hereafter convicted in any other state of any offense which, if committed or attempted in this State, would have been punishable as a violation of any such section of the Health and Safety Code, shall within 30 days after the effective date of this section or within 30 days of his coming into any county or city, or city and county in which he resides or is temporarily domiciled for such length of time, register with the chief of police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.

(Added by Stats. 1961, Ch. 850.)

11851. Any person who, after the effective date of this section, is discharged or paroled from a jail, prison, school, road camp, or other institution where he was confined because of the commission or attempt to commit one of the offenses described in Section 11850 shall, prior to such discharge, parole, or release, be informed of his duty to register under that section by the official in charge of the place of confinement and the official shall require the person to read and sign such form as may be required by the State Bureau of Criminal Identification and Investigation, stating that the duty of the person to register under this section has been explained to him. The official in charge of the place of confinement shall obtain the address where the person expects to reside upon his discharge, parole, or release and shall report such address to the State Bureau of Criminal Identification and Investigation. The official in charge of the place of confinement shall give one copy of the form to the person, and shall send two copies to the State Bureau of Criminal Identification and Investigation, which bureau, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

(Added by Stats. 1961, Ch. 850.)

11852. Any person who, after the effective date of this section, is convicted in the State of California of the commission or attempt to commit any of the above-mentioned offenses and who is released on probation or discharged upon payment of a fine shall, prior to such release or discharge, be informed of his duty to register under Section 11850 by the court in which he has been convicted and the court shall require the person to read and sign such form as may be required by the State Bureau of Criminal Identification and Investigation, stating that the duty of the person to register under this section has been explained to him. The court shall obtain the address where the person expects to reside upon his release or discharge and shall report within three days such address to the State Bureau of Criminal Identification and Investigation. The court shall give one copy of the form to the person, and shall send two copies to the State Bureau of Criminal Identification and Investigation, which bureau, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

(Added by Stats. 1961, Ch. 850.)

11853. The registration required by Section 11850 shall consist of (a) a statement in writing signed by such person, giving such information as may be required by the State Bu-

reau of Criminal Identification and Investigation, and (b) the fingerprints and photograph of such person. Within three days thereafter the registering law enforcement agency shall forward such statement, fingerprints and photograph to the State Bureau of Criminal Identification and Investigation.

If any person required to register hereunder changes his residence address he shall inform, in writing within 10 days, the law enforcement agency with whom he last registered of his new address. The law enforcement agency shall, within three days after receipt of such information, forward it to the State Bureau of Criminal Identification and Investigation. The State Bureau of Criminal Identification and Investigation shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

All registration requirements set forth in this article shall terminate five years after the discharge from prison, release from jail or termination of probation or parole of the person convicted. Nothing in this section shall be construed to conflict with the provisions of Section 1203.4 of the Penal Code concerning termination of probation and release from penalties and disabilities of probation.

Any person required to register under the provisions of this section who shall knowingly violate any of the provisions thereof is guilty of a misdemeanor.

The statements, photographs and fingerprints herein required shall not be open to inspection by the public or by any person other than a regularly employed peace or other law enforcement officer.

(Added by Stats. 1961, Ch. 850.)

DIVISION 11. EXPLOSIVES

PART 1. HIGH EXPLOSIVES

CHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS

12000. For the purposes of this part only the term "explosives" shall include all materials within Class A and Class B explosives as classified by the Interstate Commerce Commission, including high explosives, black powder (low explosives), initiating or priming explosives, blasting caps, ammunition for cannon, explosive projectiles, bombs, torpedoes, mines, grenades, jet thrust units (jato) or detonating fuses, and such other materials as are designated by regulations adopted, from time to time, by the State Fire Marshal, in accordance with provisions of Chapter 4 (commencing at Section 11370), Part

1, Division 3, Title 2 of the Government Code, after he has considered changes in the classification of materials as Class A and Class B explosives by the Interstate Commerce Commission, as materials which the protection of life and property require be considered explosives for the purposes of this part. In no event shall the regulations adopted by the State Fire Marshal be more restrictive than those of the Interstate Commerce Commission.

The term "explosives" as used in this part shall not be deemed to include small arms ammunition of 75 caliber or less, nor any other Class C explosives as classified by the Interstate Commerce Commission, nor ammonium nitrate or ammonium nitrate fertilizer, or oxidizing agents such as or comparable to ammonium nitrate.

(Amended by Stats. 1947, Ch. 1568, and by Stats. 1957, Ch. 930 and Ch. 2074; repealed and added by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12000.5. "Chief" means the State Fire Marshal and assistant and deputy state fire marshals, the State Forester and his authorized representatives, and the chief and his authorized representatives of a fire department or fire protection agency maintained by a city, county, fire protection district, or Federal Government. In any area of the State in which there exists no organized fire protection agency responsible for the protection of the area, "chief" for the purpose of this part only may be so designated by the respective boards of supervisors having jurisdiction in the area concerned.

In the event any person desires to receive explosives for use in an area outside of this State, a permit to receive such explosives, using the form prescribed by the State Fire Marshal, may be issued by any person in the area of use qualifying as a chief as above defined, or if there be no such person, by the chief law enforcement official in the area of use.

(Added by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12001. "Explosive manufacturing plant," as used in this division, includes all land used in connection with the manufacture and storage of explosives at any such plant.

12002. This part does not apply to explosives while in the course of transportation via railroad, water, or highway, when the explosives are moving under the jurisdiction of and in conformity with regulations adopted by the Interstate Commerce Commission or the United States Coast Guard.

(Amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12003. This division does not affect the operation or provisions of any city or city and county ordinance respecting the delivery, storage, and handling of explosives.

12004. The Public Utilities Commission may make, publish, and promulgate regulations which are not in conflict with this division, and which, in the judgment of the commission, may

promote the safe packing, loading, storage, and transportation of explosives.

(Amended by Stats. 1957, Ch. 1224.)

12004.5. The State Fire Marshal shall adopt, in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, and enforce reasonable rules and regulations for the purposes of Chapters 2 (commencing at Section 12100), 5 (commencing at Section 12350), and 6 (commencing at Section 12400) of this part. Such rules and regulations shall supersede any regulations of the Public Utilities Commission with respect to activities regulated by these chapters.

(Added by Stats. 1957, Ch. 1224.)

12005. The chief having the responsibility for the prevention and suppression of fire where an act occurs giving rise to a forfeiture specified in this division may, for his own benefit, sue for the forfeiture.

(Amended by Stats. 1957, Ch. 1224.)

12006. This part does not apply to fireworks regulated under Part 2 (commencing at Section 12500) of this division.

(Added by Stats. 1950 (3d Ex. Sess.), Ch. 41; repealed by Stats. 1951, Ch. 878; added by Stats. 1957, Ch. 1224.)

CHAPTER 2. SALE OR OTHER DISPOSITION OF EXPLOSIVES (Heading amended by Stats. 1957, Ch. 1224)

12100. This chapter does not apply to any of the following:

(a) Any person engaged in the transportation of explosives regulated under Division 11D (commencing at Section 729.01) of the Vehicle Code, except that no shipment of explosives originating without the State, when such explosives would otherwise be governed by the provisions of this part, shall be delivered to any person who does not present a permit as specified in Section 12101.

(b) Any sale, gift, delivery, or other disposition of a quantity of explosives in excess of 1,000 pounds.

(c) Any sale, gift, delivery, or other disposition of smokeless powder when such smokeless powder is intended for hand loading of small arms ammunition for private personal use and not for resale, and when the quantity of such smokeless powder does not exceed 20 pounds, and when the keeping on hand of such smokeless powder is acceptable to the authorities having local jurisdiction and is in compliance with local regulations, if any, applicable thereto.

(Amended by Stats. 1957, Ch. 1224, and by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12101. Unless otherwise provided in this chapter, no person shall receive or possess any explosives as defined herein and within the scope of this part, without first securing a permit to receive explosives issued to such person by the chief having the responsibility for the prevention and suppression of fire in

the area in which the explosives are to be used, and it is unlawful for any person to sell, give away or deliver explosives to any person who does not present such a permit.

(Original 12101 renumbered 12110 by Stats. 1957, Ch. 1224. Present 12101 added by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12101.5. No explosives shall be sold, given or delivered to any person under 21 years of age, whether such person is acting for himself or for another person, nor shall any such person be eligible to obtain any permit to receive explosives governed by the provisions of this chapter.

(Added by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12102. Application for a permit to receive explosives shall be made by filing a statement with the chief having the responsibility for the prevention or suppression of fire in the area in which the explosives are to be used, upon a form prescribed by the State Fire Marshal, showing:

(a) The name and address of the applicant.

(b) The place where and the purpose for which the explosives are intended to be used.

(Original 12102 amended and renumbered 12111 by Stats. 1957, Ch. 1224. Present 12102 added by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12103. The statement shall be signed by the applicant, or by his agent, and shall be notarized or witnessed. If witnessed, it shall be witnessed by two persons known to the chief to be residents of the county where, as shown by the statement, the explosives are intended to be used. The witnesses shall certify that the applicant is personally known to them, and to the best of their knowledge and belief the explosives are required by the applicant for the purposes set forth in the statement.

If more than one employee or agent may be designated by the applicant to receive explosives for the applicant, or if more than one vehicle may be used by the applicant or his agent to transport any explosives received, the physical description and other required information pertaining to the agents and the vehicles, as specified on the application, shall be given on the application for all such persons and vehicles.

(Original 12103 amended and renumbered 12112 by Stats. 1957, Ch. 1224. Present 12103 added by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12104. Before issuing a permit, the chief shall:

(a) Review the statement.

(b) Ascertain that the applicant or his agent, as appropriate, has sufficient knowledge and ability to safely handle and use explosives.

(c) Inspect the vehicle in which the applicant proposes to transport the explosives and ascertain that it is reasonably safe for that purpose, except that no inspection shall be required of any vehicle for which a permit has been issued for

the transportation of explosives governed by the provisions of Division 11D (commencing at Section 729.01) of the Vehicle Code.

(Repealed and added by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12105. The chief shall, in the exercise of reasonable discretion, deny a permit to any person if it is his opinion that the handling or use of explosives by such person would be hazardous to property or dangerous to any person and to any person if he proposes to transport the explosives in a vehicle which is not reasonably safe for that purpose.

(Repealed and added by Stats. 1957, Ch. 1224.)

12105.5. In the event that more than one employee or agent may be designated by the permittee to receive explosives, or in the event that more than one vehicle may be used by the permittee or his agent to transport any explosives received, the physical description and other required information for such persons and vehicles shall be shown on the permit.

(Added by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12106. The form of the permits shall be prescribed by the State Fire Marshal. Permits shall be numbered and shall contain information regarding local and state requirements with respect to the transportation of explosives.

(Repealed and added by Stats. 1957, Ch. 1224.)

12107. Permits shall be of two types. Type A, which shall be issued to persons engaged in an established construction, agricultural, timber, mining, or other commercial operation, to persons desiring to receive more than 20 pounds of smokeless powder for hand loading of small arms ammunition for private personal use and not for resale, and to persons desiring to receive any amount of other types of gunpowder for sporting purposes, shall be valid until suspended or revoked. A Type B permit shall expire 24 hours from the time of issuance.

(Original 12107 renumbered 12116 by Stats. 1957, Ch. 1224. Present 12107 added by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12107.5. No permit issued under the provisions of this chapter shall be transferable.

(Added by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12108. A Type A permit may be suspended and, after reasonable notice and hearing, revoked by any chief having the responsibility for the prevention and suppression of fire in an area through which explosives are transported or in which explosives are used, if the person to whom the permit was issued transports or uses or proposes to transport or use the explosives in a manner which is unlawful or which creates an unreasonable hazard to life and property.

If the suspension or revocation is effected by the chief of a jurisdiction other than that jurisdiction in which the permit was issued, the chief taking action to suspend or revoke

a permit shall notify the chief who issued the permit of the action taken.

(Original 12108 renumbered 12117 by Stats. 1957, Ch. 1224. Present 12108 added by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12109. Except as otherwise provided in Section 12109.5, every persons who sells, gives away, delivers, or otherwise disposes of explosives to any person shall make a quadruplicate record of each such sale or transaction. A copy shall be immediately sent to the chief who issued the permit to receive explosives. Two copies shall be delivered to the person receiving the explosives, one to be retained by him and the other to be sent to the chief who issued the permit to receive explosives upon the disposition of the explosives. The original shall be retained by the person disposing of the explosives and shall be kept on file for a period of not less than three years. The form of the record of sale or transaction shall be prescribed by the State Fire Marshal.

(Original 12109 renumbered 12118 by Stats. 1957, Ch. 1224. Present 12109 added by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12109.5. When the permit to receive explosives indicates that the intended area of use of the explosives is other than that area in which the permittee or his agent receives the explosives, the person selling or otherwise disposing of the explosives shall, in addition to complying with the provisions of Section 12109, immediately send a copy of the record of sale to the chief in the area where the explosives are received by the permittee or his agent.

(Added by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12110. Every person who sells, gives away, delivers, or otherwise disposes of explosives shall keep an accurate journal or record book in which shall be noted at the time it is made, each sale, delivery, gift, or other disposition of an explosive made by him, whether in the course of business or otherwise. Such journal or record book shall be kept on file for a period of not less than three years.

If the record of sale required by Section 12109, contains the information specified in Section 12111, such record of sale shall be considered as meeting the requirements of this section for a journal or record book.

(Formerly 12101. Renumbered 12110 by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12111. Each notation in the journal or record book shall show, in a legible handwriting:

(a) The name and quantity of the explosive sold, delivered, given away, or otherwise disposed of.

(b) The name, residence, and business of the purchaser or transferee.

(c) The name of the individual to whom the explosive is delivered, his address, and a description of him sufficient for identification purposes.

(d) The number of the permit to receive explosives displayed by the person to whom the explosives were delivered.

(Formerly 12102. Amended and renumbered 12111 by Stats. 1957, Ch. 1224.)

12111.5. The State Fire Marshal may, upon application of any interested party and with the concurrence of the chief or chiefs in the area or areas affected, and if he determines that such action may be taken without jeopardizing public safety, suspend, or waive compliance with, the whole or any part of the requirements of Sections 12101, 12109, 12109.5, 12110, and 12111 insofar as they apply to the sale, gift, delivery, or other disposition of explosives in sparsely populated, unincorporated areas or in any area where there may be practical difficulties or unnecessary or unreasonable hardship in carrying out the provisions of the foregoing sections. No person shall be charged with any crime for any transaction in violation of Sections 12101, 12109, 12109.5, 12110 or 12111 when such a suspension or waiver by the State Fire Marshal is in effect in the area in which the transaction occurs.

(Added by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12112. The journal or record book shall be kept by the person required to keep it in his principal office or place of business. It shall be at all times, on proper demand, subject to the inspection and examination of any chief or other duly authorized law enforcement official.

(Formerly 12103. Amended and renumbered 12112 by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12113. Vehicles transporting explosives governed by the provisions of this part, shall have displayed thereon or attached thereto such signs as are required by Section 599 of the Vehicle Code.

(Added by Stats. 1957, Ch. 1224; repealed and added by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12114. (a) It is unlawful for any person to transport explosives in any vehicle upon a public highway, or to park any vehicle loaded with explosives upon a public highway, unless such vehicle is marked or placarded as required in Section 12113 of this chapter.

(b) It is unlawful for any person to operate or to park any vehicle upon a public highway to which there are attached or displayed signs of the type prescribed in Section 599 of the Vehicle Code, unless the vehicle is loaded with explosives.

(Added by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12115. A person who receives explosives under a Type B permit shall normally use the explosives during the daylight hours of the day of purchase. If it is stated by the applicant or if it is reasonably certain or apparent that the explosives cannot or will not be used within the daylight hours of the day of purchase, and if the proposed place and manner of storage is acceptable to the chief issuing the permit, the period of time for such use may be extended, but in no case shall such extension be for a period greater than 72 hours from the time of the issuance of the permit. If an extension of time for the use of the explosives is granted, the chief issuing the permit shall so indicate on the permit.

(Added by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12116. Every person who violates any provision of this chapter is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than two thousand dollars (\$2,000), or by imprisonment for not less than six months, or by both.

(Formerly 12107. Amended by Stats. 1957, Ch. 139; renumbered 12116 by Stats. 1957, Ch. 1224.)

12117. In addition to the criminal punishment, a person who violates any provision of this chapter shall forfeit the sum of two hundred fifty dollars (\$250) for each violation. The forfeiture may be sued for by any person in a court of competent jurisdiction.

(Formerly 12108. Renumbered 12117 by Stats. 1957, Ch. 1224.)

12118. A person who has instituted an action for a forfeiture pursuant to this chapter shall not dismiss it without the consent of the court in which it is pending. A judgment for such person shall not be settled, satisfied, or discharged except by an order of, and after deposit of the full amount of the judgment in, the court. All money deposited in the court shall be paid to the person who instituted the action.

(Formerly 12109. Renumbered 12118 by Stats. 1957, Ch. 1224.)

CHAPTER 3. STORAGE

Article 1. General Provisions

12150. Except only at an explosive manufacturing plant, no person shall possess, keep, or store any explosive which is not completely inclosed and incased in a tight metal, wooden, or fiber container.

No person having any explosives in his possession or control shall under any circumstances permit or allow any grains or particles of explosives to be or remain on the outside of, or about, the containers in which the explosives are kept.

12150.5. Every person having any blasting caps (electric or nonelectric) in his possession or control, shall keep the same securely deposited in a locked receptacle, except when taken therefrom for actual use, transportation or sale.

(Added by Stats. 1947, Ch. 1568.)

12151. Except while being transported or while in the custody of a common carrier pending delivery to a consignee, every explosive shall be kept or stored in one of the two classes of magazines specified in this chapter.

12152. This chapter does not prohibit the keeping or storing of explosives in any explosive manufacturing plant which was actually used in manufacturing explosives prior to the fifteenth day of April, 1917.

12153. This chapter does not prohibit the keeping or storing of explosives in any tunnel in which:

(a) No person is employed.

(b) The doors are fireproof.

(c) The doors at all times are kept closed and locked, except when necessarily opened by persons lawfully entitled to enter the tunnel for the purpose of storing or removing explosives.

(d) On each door are printed legibly the words, "magazine," "explosives," "dangerous."

Article 2. Magazines of the First Class

12170. The provisions of this article relate to magazines of the first class.

12171. "Building," as used in this article, means any building the whole or a part of which is regularly occupied as a habitation by human beings, and any store, church, schoolhouse, railway station, or other public place of assembly.

12172. "Highway," as used in this article, means any public street or public road, but does not include any road constructed and maintained by a private person.

12173. "Railroad," as used in this article, means any steam, electric, or other railroad that carries passengers or articles of commerce for hire.

12174. "Efficient artificial barricade," as used in this article, means an artificial mound or properly revetted wall of earth not less than three feet in thickness.

12175. The provisions of this article regarding the amount of explosives that may be kept or stored in a magazine, or prescribing the distance at which a magazine shall be situated from a building, railroad, highway, or other magazine, do not apply to persons engaged in mining or quarrying operations.

(Amended by Stats. 1957, Ch. 930.)

12176. "Magazine of the first class" means any building or structure, other than an explosives manufacturing building, used for the storage of more than 100 pounds of explosives.

(Amended by Stats. 1957, Ch. 930.)

12177. Magazines of the first class shall have the walls constructed of brick, concrete, tile, cement blocks, iron, aluminum, or wood covered on the outside with iron or aluminum for fire resistance.

Brick, concrete, tile and cement block walls shall be at least eight inches thick, and if bullet-resistance is required the openings in the tile or cement blocks shall be filled with coarse, dry sand, or a mixture of one part cement and 10 parts sand.

For iron or aluminum magazines, the metal shall be not less than No. 14 gauge, and if bullet-resistance is required the inside shall be lined with not less than four inches of brick, solid cement blocks, hardwood, or equivalent.

Wood or frame magazines shall have wood walls covered outside with iron or aluminum not less than 26 gauge in thickness. If bullet-resistance is required the walls shall be so built as to provide not less than a six-inch fill of coarse, dry sand, or a mixture of one part cement and 10 parts sand, between the outer wall and an inner sheathing, or the walls may be lined inside with brick, solid cement blocks, or hardwood, not less than four inches thick.

Magazines shall have no openings except for ventilation and entrance. Vent openings shall be screened to prevent sparks passing through them, except that magazines containing only black blasting powder may be constructed without openings for ventilation.

(Amended by Stats. 1957, Ch. 930.)

12178. (Repealed by Stats. 1957, Ch. 930.)

12179. Magazine doors shall be kept closed and locked except when opened for transacting business. They shall be of fire resistant material on the outside, and also bullet resistant if the rest of the magazine is so constructed.

(Amended by Stats. 1957, Ch. 930.)

12180. Magazines of the first class for the storage of high explosives, except blasting and electric blasting caps, shall be bullet, fire, and weather resistant. Magazines for the storage of blasting and electric blasting caps, and black blasting powder shall be fire and weather resistant.

(Repealed and added by Stats. 1957, Ch. 930.)

12181. No matches, open lights, or fire of any kind shall at any time be permitted in or around a magazine. If artificial light is needed, only an electric flashlight, electric lantern, or electric cap lamp shall be used. When explosives or detonators that are stored in a magazine become damp, electric lights may be installed for drying purposes. Such light shall be encased in vapor-tight globes and shall be kept at least five feet from such explosives and detonators. The wiring shall be in conduit and the switch located outside the magazine.

(Amended by Stats. 1957, Ch. 930.)

12182. Upon the premises on which magazines are located there shall be posted signs with the words "EXPLOSIVES—KEEP OFF," legibly printed thereon in letters not less than three inches high.

(Amended by Stats. 1957, Ch. 930.)

12183. No package of explosives shall be opened in a magazine or within 50 feet thereof.

(Amended by Stats. 1957, Ch. 930.)

12184. Blasting caps, other detonating or fulminating caps, or detonators shall not be kept or stored in any magazine in which explosives are kept or stored, but may be kept or stored in a magazine meeting the construction requirements of this article.

(Amended by Stats. 1957, Ch. 930.)

12185. A magazine in which explosives are kept or stored shall be detached and located at least 100 feet from any other structure.

12186. The quantity of blasting caps or explosives that may be kept or stored in any magazine depends upon the distance that the magazine is situated from, and upon the protection afforded by natural or efficient artificial barricades to, the nearest building, highway, railroad, or other magazine.

(Amended by Stats. 1957, Ch. 930.)

12187. In the following table is set forth the minimum distance that a magazine in which a specified quantity of blasting caps or explosives is kept shall be situated from the nearest building, railroad, highway, or other magazine:

QUANTITY AND DISTANCE TABLE

Column 1 Quantity kept or stored		Column 2 Distance from nearest building in feet		Column 3 Distance from nearest railroad in feet		Column 4 Distance from nearest highway in feet		Column 5 Distance from nearest magazine in feet	
Blasting caps number	Explosives pounds	Over							
		Not over							
		2	5	140	60	60	12		
		5	10	180	70	70	16		
1,001-	5,000	10	20	220	90	90	20		
5,001-	10,000	20	30	250	100	100	22		
10,001-	20,000	30	40	280	110	110	24		
20,001-	25,000	40	50	300	120	120	28		
25,001-	35,000	50	75	340	140	140	30		
35,001-	50,000	75	100	380	150	150	32		
50,001-	65,000	100	125	400	160	160	36		
65,001-	80,000	125	150	430	170	170	38		
80,001-	100,000	150	200	470	190	190	42		
100,001-	125,000	200	250	510	210	210	46		
125,001-	150,000	250	300	540	220	220	48		
150,001-	200,000	300	400	590	240	240	54		

QUANTITY AND DISTANCE TABLE—Continued

Column 1 Quantity kept or stored Blasting caps number		Explosives pounds		Column 2 Distance from nearest building in feet	Column 3 Distance from nearest railroad in feet	Column 4 Distance from nearest highway in feet	Column 5 Distance from nearest magazine in feet
		Over	Not over				
200,001-	250,000	400	500	640	260	260	58
250,001-	300,000	500	600	680	270	270	62
300,001-	350,000	600	700	710	290	290	64
350,001-	400,000	700	800	750	300	300	66
400,001-	450,000	800	900	780	310	310	70
450,001-	500,000	900	1,000	800	320	320	72
500,001-	550,000	1,000	1,200	850	340	330	78
550,001-	650,000	1,200	1,400	900	360	340	82
650,001-	750,000	1,400	1,600	940	380	350	86
750,001-	850,000	1,600	1,800	980	390	360	88
850,001-	1,000,000	1,800	2,000	1,010	410	370	90
1,000,001-	1,250,000	2,000	2,500	1,090	440	380	98
1,250,001-	1,500,000	2,500	3,000	1,160	470	390	104
1,500,001-	2,000,000	3,000	4,000	1,270	510	420	116
2,000,001-	2,500,000	4,000	5,000	1,370	550	450	122
		5,000	6,000	1,460	590	470	130
		6,000	7,000	1,540	620	490	136
		7,000	8,000	1,600	640	500	144
		8,000	9,000	1,670	670	510	150
		9,000	10,000	1,730	690	520	156
		10,000	12,000	1,750	740	540	164
		12,000	14,000	1,770	780	550	174
		14,000	16,000	1,800	810	560	180
		16,000	18,000	1,880	840	570	188
		18,000	20,000	1,950	870	580	196
		20,000	25,000	2,110	940	630	210
		25,000	30,000	2,260	1,000	680	224
		30,000	35,000	2,410	1,050	720	238
		35,000	40,000	2,550	1,100	760	248
		40,000	45,000	2,680	1,140	800	258
		45,000	50,000	2,800	1,180	840	270
		50,000	55,000	2,920	1,220	880	280
		55,000	60,000	3,030	1,260	910	290
		60,000	65,000	3,130	1,290	940	300
		65,000	70,000	3,220	1,320	970	310
		70,000	75,000	3,310	1,350	1,000	320
		75,000	80,000	3,390	1,380	1,020	330
		80,000	85,000	3,460	1,410	1,040	340
		85,000	90,000	3,520	1,440	1,060	350
		90,000	95,000	3,580	1,460	1,080	360
		95,000	100,000	3,630	1,490	1,090	370
		100,000	110,000	3,670	1,540	1,100	390

QUANTITY AND DISTANCE TABLE—Continued

Blasting caps number	Column 1 Quantity kept or stored		Column 2 Distance from nearest building in feet	Column 3 Distance from nearest railroad in feet	Column 4 Distance from nearest highway in feet	Column 5 Distance from nearest magazine in feet
	Explosives pounds					
	Over	Not over				
	110,000	120,000	3,710	1,580	1,110	410
	120,000	130,000	3,750	1,620	1,120	430
	130,000	140,000	3,780	1,670	1,130	450
	140,000	150,000	3,800	1,700	1,140	470
	150,000	160,000	3,870	1,740	1,160	490
	160,000	170,000	3,930	1,780	1,180	510
	170,000	180,000	3,980	1,810	1,200	530
	180,000	190,000	4,020	1,840	1,210	550
	190,000	200,000	4,060	1,870	1,220	570
	200,000	210,000	4,110	1,910	1,240	590
	210,000	230,000	4,200	1,960	1,270	630
	230,000	250,000	4,310	2,020	1,300	670
	250,000	275,000	4,430	2,080	1,340	720
	275,000	300,000	4,550	2,150	1,380	770

(Amended by Stats. 1957, Ch. 930.)

12187.1. When two or more storage magazines are located on the same property, each magazine shall comply with the minimum distances specified from buildings, railways, and highways, and in addition they shall be separated from each other by not less than the distances shown in Column 5 of the quantity and distance table, except that the quantity of blasting caps contained in cap magazines shall govern in regard to the spacing of said cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the specified Column 5 distances, then such two or more magazines, as a group, shall be considered as one magazine, and the total quantity of explosives stored in such group shall be treated as if stored in a single magazine located on the site of any magazine of the group, and shall comply with the minimum distances specified from other magazines, buildings, railways, and highways.

(Added by Stats. 1957, Ch. 930.)

12187.2. Not more than 300,000 pounds of commercial explosives shall be permanently stored in a magazine or in a group of magazines which is considered to be one magazine.

(Added by Stats. 1957, Ch. 930.)

12188. Any applicable minimum distance may be one-half of that set forth in the quantity and distance table if the nearest building, railroad, highway, or other magazine is effectively screened from the magazine either by a natural barricade or an efficient artificial barricade of such height that:

(a) A straight line drawn from the top of any side wall of the magazine to any part of the building or other magazine will pass through the barricade.

(b) A straight line drawn from the top of any side wall of the magazine to any point 12 feet above the center of the railroad or highway will pass through the barricade.

(Amended by Stats. 1957, Ch. 930.)

12189. The quantity and distance table is not applicable to any magazine if the nearest building, railroad, highway, or other magazine is effectually screened from the magazine by a natural ground barrier, which:

(a) At any one point is 40 feet or more in height above a straight line drawn from the top of any side wall of the magazine to any part of the building or other magazine, or to any point 12 feet above the center of the railroad or highway.

(b) Has a natural thickness of not less than 200 feet at the point where it is intersected by the straight line.

(Amended by Stats. 1957, Ch. 930.)

12190. If at any time the distance from a magazine to the nearest building, highway, or railroad is decreased through the construction of a new building, highway, or railroad, the quantity of explosives kept or stored in the magazine shall be reduced to correspond with that specified for the new distance by the quantity and distance table. The quantity need not be reduced, however, in the event that a new building is constructed in bad faith and with the intent to annoy, harass, oppress, or hinder the owner of the magazine.

(Amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

Article 3. Magazines of the Second Class

12210. A magazine of the second class is a stout box in which not more than 100 pounds of explosives are stored or kept.

12211. A sign on which are printed legibly the words, "magazine," "explosives," "dangerous," shall be kept posted in a conspicuous place on the magazine.

12212. Except when necessarily opened for use by authorized persons, the magazine shall at all times be kept securely locked.

Article 4. Violations

12220. Every person who violates any provision of this chapter is guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000), or by imprisonment for not more than six months, or by both.

12221. Every person who wilfully or negligently violates the provisions of Section 12150.5 shall be subject to civil liability for damages, at the suit of any person injured as a result of his violation.

(Added by Stats. 1947, Ch. 1568.)

CHAPTER 4. TRANSPORTATION

12300. It is unlawful to transport any explosives between places in this State on any vessel, car, or other vehicle carrying passengers for hire and operated by a common carrier, unless the explosives are:

(a) Small arms ammunition.

(b) Fuses, torpedoes, rockets, or other signal devices essential for the promotion of safety in operation.

(c) Properly packed and marked samples for laboratory examination, each not exceeding one-half pound in net weight, when not more than 20 are carried in a single vessel, car, or vehicle, and when they are not carried in that part of the vessel, car, or vehicle which is intended for the carriage of passengers for hire.

(d) Munitions of war in the possession of military or naval forces who are being carried on the vessel, car, or vehicle.

(e) Explosives transported upon the highways in accordance with the provisions of Division 11D (commencing at Section 729.01) of the Vehicle Code.

This section does not prohibit the transportation of explosives on a freight train that carries passengers for hire in a car or caboose attached to its rear.

(Amended by Stats. 1957, Ch. 1224.)

12301. It is unlawful to transport liquid nitroglycerine, dry fulminate in bulk, or other like explosive between places in this State on any vessel, car, or vehicle operated by a common carrier in the carriage of passengers or articles of commerce.

12301.5. In any area where it is reasonably necessary for the public safety the State Fire Marshal may by regulations adopted in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, prohibit the transportation of blasting caps or detonators upon the same vehicle with other explosives governed by the provisions of this part, and the transportation of electric blasting caps upon any vehicle equipped with a two-way radio. Such regulations shall not be applicable to the transportation of any blasting caps packaged and transported in accordance with the regulations of the Interstate Commerce Commission.

(Added by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12302. Every person who wilfully does any of the following is guilty of a felony punishable by imprisonment in a State penitentiary for not more than two years:

(a) Carries any explosive on his person on any vessel, car, or other vehicle that transports passengers for hire.

(b) Places or carries any explosive, while on board any such vessel, car, or vehicle, in any hand baggage, roll, or container.

(c) Places any explosive in any baggage which is later checked with any common carrier.

12303. The contents of a package containing explosives shall be plainly marked on the outside of the package at the time the package is delivered to a common carrier for transportation.

It is unlawful for any person to deliver, or cause to be delivered, to any common carrier for transportation any explosive under any false or deceptive marking, description, invoice, shipping order, or other declaration, unless he informs the carrier or the carrier's agent, at or before the time of delivery, of the true character of the explosive.

12304. Every person who takes, carries, or transports, or causes to be taken, carried, or transported, any explosive, as defined in Section 12000 of this part, into, through, or across any city or harbor in violation of the ordinances of the city, or of the laws or regulations governing the harbor, as the case may be, shall, in addition to any penalties imposed by such ordinances, laws, or regulations, forfeit the explosive, together with any case in which it may be contained, to the State.

(Amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12305. Any citizen of the State may sue for the forfeiture for himself and the State by an action in any court of competent jurisdiction, but without any cost or expense to the State. If the forfeiture is directed by the judgment of the court, the property subject to the forfeiture shall be sold. The citizen instituting the action may retain one-half of the proceeds for his own benefit, and shall pay the other half into the State Treasury.

12306. Every person who wilfully violates, or causes the violation of, any provision of this chapter, except a provision in Section 12302, 12304, and 12305, is guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

(Amended by Stats. 1957, Ch. 139.)

CHAPTER 5. ILLEGAL USE OR POSSESSION

12350. "Explosive," as used in this chapter, means any explosive as defined in Section 12000 of this part.

(Amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12351. "Lawful possession of an explosive," as used in this chapter, means the possession of an explosive in any of the following:

(a) In the course of the business of manufacturing, selling, or transporting explosives.

(b) In the course of legitimate blasting operations.

(c) In the arts.

(d) In the transportation of explosives upon the highways in accordance with the provisions of Division 11D (commencing at Section 729.01) of the Vehicle Code.

(Amended by Stats. 1957, Ch. 1224.)

12351.5. (Added by Stats. 1951, Ch. 878; amended by Stats. 1953, Ch. 469; repealed by Stats. 1957, Ch. 1224.)

12352. Every person who does either of the following is guilty of a felony:

(a) Recklessly or maliciously has in his possession an explosive on a public street or highway; in or near any theater, hall, school, college, church, hotel, other public building, or private habitation; in, on, or near any railway passenger train or car, cable road or cable car, steam or other vessel engaged in carrying passengers, ferryboat, or public place ordinarily passed by human beings.

(b) Recklessly or maliciously uses an explosive to intimidate, terrify, or endanger any human being.

Any person not in the lawful possession of an explosive who is found with an explosive on his person or in his possession on, in, or near any of the buildings, means of transportation, or places mentioned in this section, is presumably guilty of reckless and malicious possession of the explosive.

12353. Every person not in the lawful possession of an explosive who knowingly has any explosive in his possession is guilty of a felony punishable by imprisonment in a State prison for not more than five years, or by a fine of not more than five thousand dollars (\$5,000), or by both.

12354. Every person is guilty of a felony punishable by imprisonment in the State prison for not less than one year who, with the intent to injure or destroy it, or with the intent to injure, intimidate, or terrify any human being, maliciously uses, places, deposits, explodes, or attempts to explode any explosive at, in, under, or near, or takes any explosive into or near, any (a) building, vessel, boat, railroad, tramroad, cable road, train, car, depot, stable, car-house, theater, school-house, church, or dwelling; (b) other place usually inhabited, frequented, or passed by human beings, or where human beings usually assemble; or who by any of such acts injures or endangers any human being.

CHAPTER 6. MISCELLANEOUS

12400. With the exception of a chief, the owner, a person authorized to enter by the owner, or the owner's agent, every person who enters any explosive manufacturing plant, magazine, or car containing explosives is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than three months, or by both.

(Amended by Stats. 1957, Ch. 1224.)

12401. Every person who wilfully discharges any firearm within 500 feet of any magazine or any explosive manufacturing plant is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than one year, or by both.

12402. If no other criminal punishment is prescribed by this division, any person who makes or keeps any explosive,

as defined in this part, in any city, or who carries any such explosive through the streets of any city, in any quantity or manner prohibited either by this division or by any ordinance of the city in which it is made, kept, or carried, is guilty of a misdemeanor.

(Amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12403. Any theft or loss of explosives, as defined in Section 12000 of this code, whether from a storage magazine, a vehicle in which they are being transported, or from a site on which they are being used, or from any other location, shall immediately be reported by the person having control of such explosives to the chief of the fire department of the jurisdiction in which the theft or loss occurred, and to the local police or county sheriff.

(Added by Stats. 1959, Ch. 488.)

12404. No person shall abandon or otherwise dispose of any explosives in any manner which might, as the result of such abandonment or disposal, create any danger or threat of danger to life or property. Any person in possession or control of explosives required in the performance of his duties shall, when the need for such explosives no longer exists, either return the explosives to a magazine meeting the specifications of Chapter 3 (commencing at Section 12150) of this part, or a magazine meeting equivalent specifications, or shall destroy the explosives in a safe manner so as not to make them available to persons who might obtain them and use them in a manner prejudicial to the safety of life and property. Magazines or temporary magazines used for storage purposes in any area where blasting is required shall, when the need for such storage no longer exists and the explosives have been removed or disposed of as above required, be removed or demolished, or the signs indicating the presence of explosives in such magazines or on the premises on which such magazines are located shall be removed or effectively obliterated.

(Added by Stats. 1959, Ch. 488.)

12405. Any violation of Section 12403 or Section 12404 is a misdemeanor.

(Added by Stats. 1959, Ch. 488.)

PART 2. FIREWORKS

(Part 2 added by Stats. 1939, Ch. 534; repealed and added by Stats. 1955, Ch. 1891)

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

(Chapter heading added by Stats. 1955, Ch. 1891)

12500. This part shall be known and may be cited as the State Fireworks Law.

(Added by Stats. 1939, Ch. 534; amended by Stats. 1945, Ch. 982, and by Stats. 1947, Ch. 1316; repealed and added by Stats. 1955, Ch. 1891.)

12501. The definitions set forth in this chapter shall govern the construction of this part, unless the context otherwise requires.

(Added by Stats. 1939, Ch. 534; repealed and added by Stats. 1955, Ch. 1891.)

12502. "Fireworks" means blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, fire balloons (balloons of a type which have burning material of any kind attached thereto or which require fire underneath to propel them), firecrackers, torpedoes, skyrockets, rockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction and any fireworks containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, but does not include toy pistols, toy canes, toy guns, or other similar devices in which paper caps containing not more than twenty-five hundredths (.25) grain of explosive compound per cap are used.

(Added by Stats. 1939, Ch. 534; repealed and added by Stats. 1955, Ch. 1891; amended by Stats. 1959, Ch. 1135.)

12503. "Dangerous fireworks" includes any of the following:

Pyrotechnics or fireworks containing phosphorous, sulphocyanide, mercury, magnesium, potassium picrate, gallic acid, chlorate of potash and sulfur or chlorate of potash and sugar;

Firecrackers, salutes and other explosive articles of similar nature;

Blank cartridges;

Skyrockets, rockets, including all similar devices employing any combustible or explosive material and which rise in the air during discharge;

Roman candles, including all devices which discharge balls of fire into the air;

Chasers, including all devices which dart or travel about the surface of the ground during discharge;

Snakes, boa constrictors and snake nests, containing bichloride of mercury;

Sparklers more than 10 inches in length or one-fourth of one inch in diameter;

All articles for pyrotechnic display, which contain gunpowder;

Articles commonly known as son-of-a-gun, devil-on-the-rock, crackit sticks and automatic torpedoes which contain arsenic;

Explosives known as devil-on-the-walk, or any other article of similar character which explodes through means of friction, and all other similar fireworks, unless otherwise designated;

Toy torpedoes of all kinds;

All pyrotechnic devices having a side fuse;

Fire balloons or balloons of any type which have burning material of any kind attached thereto;

Such other fireworks as may be designated as dangerous by the State Fire Marshal with the advice of the State Fire Advisory Board.

The State Fire Marshal, with the advice of the State Fire Advisory Board, may, subject to such restrictions as are deemed necessary, exempt from the provisions of this part specific pyrotechnic items for commercial, industrial, and agricultural uses or for religious ceremonies.

(Added by Stats. 1939, Ch. 534; amended by Stats. 1947, Ch. 1316; repealed and added by Stats. 1955, Ch. 1891; amended by Stats. 1959, Ch. 1135.)

12504. "Safe and sane fireworks" includes any fireworks not designated as "dangerous fireworks," except that in all cases only end fuses may be used.

(Added by Stats. 1939, Ch. 534; amended by Stats. 1947, Ch. 1316; repealed and added by Stats. 1955, Ch. 1891.)

12505. "Agricultural and wild life fireworks" includes fireworks designed or used to prevent damage to crops or unwanted occupancy of areas by animals or birds through the employment of sound or light, or both, whenever such fireworks are so classified by the State Fire Marshal.

(Added by Stats. 1939, Ch. 534; repealed and added by Stats. 1955, Ch. 1891.)

12506. "Class 1 flammable liquid" includes any liquid whose flash point is one hundred (100) degrees Fahrenheit, or less.

(Added by Stats. 1939, Ch. 534; repealed and added by Stats. 1955, Ch. 1891.)

12507. "Side fuse" means a fuse inserted into a pyrotechnic article or device at a point along its length.

(Added by Stats. 1939, Ch. 534; amended by Stats. 1947, Ch. 1316; repealed and added by Stats. 1955, Ch. 1891.)

12508. "End fuse" means a fuse inserted into any pyrotechnic article or device at the end as distinguished from the side of such device.

(Added by Stats. 1939, Ch. 534; amended by Stats. 1947, Ch. 1316; repealed and added by Stats. 1955, Ch. 1891.)

12509. "Public display of fireworks" means an entertainment feature where the public is admitted or permitted to view the display or discharge of dangerous fireworks.

(Added by Stats. 1939, Ch. 534; amended by Stats. 1947, Ch. 1316; repealed and added by Stats. 1955, Ch. 1891.)

12509a. (Added by Stats. 1947, Ch. 1316; repealed by Stats. 1955, Ch. 1891.)

12509b. (Added by Stats. 1947, Ch. 1316; repealed by Stats. 1955, Ch. 1891.)

12510. "Fire nuisance" means anything or any act which increases, or may cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay,

or hinder, or may become the cause of any obstruction, delay, suppression, or hindrance, to the prevention or extinguishment of fire.

(Added by Stats. 1939, Ch. 534; repealed and added by Stats. 1955, Ch. 1891.)

12511. "License" means a nontransferable formal authorization which the State Fire Marshal is permitted to issue under this part to engage in the branch of pyrotechnics specifically designated therein, whether as an importer, exporter, wholesaler, retailer, manufacturer, salesman, pyrotechnic or agricultural operator, or otherwise.

(Added by Stats. 1939, Ch. 534; repealed and added by Stats. 1955, Ch. 1891.)

12512. "Licensee" means any person holding a firework license in conformance with this part.

(Added by Stats. 1939, Ch. 534; repealed and added by Stats. 1955, Ch. 1891.)

12513. "Permit" means the official permission granted by the public agency having local jurisdiction to a licensee for the purposes of establishing and maintaining a place where fireworks are manufactured, constructed, produced, packaged, stored, sold, exchanged, discharged or used.

(Added by Stats. 1939, Ch. 534; repealed and added by Stats. 1955, Ch. 1891.)

12514. "Package" includes any case, container, or receptacle, used for holding fireworks, which is closed or sealed by tape, cordage, or by any other means.

(Added by Stats. 1955, Ch. 1891.)

12515. "Person" includes any individual, firm, partnership, joint adventure, association, concern, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

(Added by Stats. 1955, Ch. 1891.)

12516. "Exporter" includes any person who sells, consigns or delivers fireworks located within this State for delivery, use, or sale without this State.

(Added by Stats. 1955, Ch. 1891.)

12517. "Importer" includes any person who for any purpose:

(a) Brings fireworks into this State or causes fireworks to be brought into this State;

(b) Procures the delivery or receives shipments of any fireworks into this State; or

(c) Buys or contracts to buy fireworks for shipment into this State.

(Added by Stats. 1955, Ch. 1891.)

12518. "Manufacturer" includes any person who manufactures, makes, constructs, fabricates, or produces any fireworks article or device but does not include persons who assemble or fabricate sets or mechanical pieces in public displays of fireworks.

(Added by Stats. 1955, Ch. 1891.)

12519. "Wholesaler" includes any person, other than an importer, exporter, or manufacturer selling only to wholesalers, who sells fireworks to a retailer or any other person for resale and shall also include any person who sells dangerous fireworks to public display permittees.

(Added by Stats. 1955, Ch. 1891.)

12520. "Retailer" includes any person who, at a fixed location or place of business, sells, transfers, or gives fireworks to a consumer or user.

(Added by Stats. 1955, Ch. 1891.)

12521. "Salesman" includes any person who, as an employee of a manufacturer or wholesaler, solicits, accepts, or receives an order for fireworks from a licensee or permittee.

(Added by Stats. 1955, Ch. 1891.)

12522. "Sell" or "transfer" includes contracts or orders for sales or transfers.

(Added by Stats. 1955, Ch. 1891.)

12523. "Pyrotechnic operator" includes any individual who by experience and training has demonstrated the required skill and ability for safely setting up and discharging public displays of dangerous fireworks.

(Added by Stats. 1955, Ch. 1891.)

12524. "Within this State" means within all territory within the boundaries of this State.

(Added by Stats. 1955, Ch. 1891.)

12525. "Without this State" means all territory without the boundaries of this State.

(Added by Stats. 1955, Ch. 1891.)

12526. "The State Fire Marshal's Seal of Registration" means the Seal of Registration of the State Fire Marshal and consists of a series of concentric circles lettered as follows:

Outer Circle

Upper Half: "REGISTERED"

Lower Half: "FIREWORKS"

Inner Circle

Upper Half: "STATE OF CALIFORNIA"

Lower Half: "STATE FIRE MARSHAL"

In the center shall appear five crossed trumpets.

Appended below the outer circle and in a central position shall be a box provided for displaying the registration number assigned by the State Fire Marshal to any registered classified fireworks manufacturer, importer, wholesaler, retailer, or other person or device governed by this part.

(Added by Stats. 1955, Ch. 1891.)

CHAPTER 2. ADMINISTRATION

(Chapter 2 added by Stats. 1955, Ch. 1891)

12550. The State Fire Marshal shall enforce and administer this part.

(Added by Stats. 1955, Ch. 1891.)

12551. The State Fire Marshal shall appoint such deputies and employees as may be necessary and required to carry out the provisions of this part.

(Added by Stats. 1955, Ch. 1891.)

12552. The State Fire Marshal may prescribe such rules and regulations relating to fireworks as may be necessary for the protection of life and property. The State Fire Marshal shall adopt reasonable rules and regulations not inconsistent with the provisions of this part, for the granting of permits for, and the presentation of, public displays of fireworks.

(Added by Stats. 1955, Ch. 1891.)

12553. The rules and regulations adopted by the State Fire Marshal relating to fireworks and in existence on the effective date of this part shall continue thereafter to be in effect as rules and regulations of the State Fire Marshal until amended or repealed pursuant to the provisions of this part.

(Added by Stats. 1955, Ch. 1891.)

12554. All money collected pursuant to this part shall be deposited in the General Fund.

(Added by Stats. 1955, Ch. 1891.)

12555. The State Fire Marshal, with the advice of the Fire Advisory Board, may adopt reasonable regulations providing for:

(a) The granting of licenses and permits for amateur research or experiments with experimental or model rockets or missiles, or for the production, transportation, or firing of experimental or model rockets or missiles.

(b) The granting of licenses and permits for the use of pyrotechnics by television, theatrical, or motion picture special effects personnel.

(Added by Stats. 1959, Ch. 1135.)

CHAPTER 3. PERMITS

(Chapter 3 added by Stats. 1955, Ch. 1891)

12600. No person, without securing a permit, shall do any of the following:

(a) Manufacture, import, export, possess, or sell any fireworks at wholesale or retail for any use, including agricultural purposes or wild life control;

(b) Discharge dangerous fireworks any place;

(c) Make a public display of fireworks;

(d) Transport fireworks, except as a public carrier.

(Added by Stats. 1955, Ch. 1891.)

12601. Any adult person or other group desiring to do any act mentioned in Section 12600 shall first make written application for a permit to the chief of the fire department or the chief fire prevention officer of the city or county, or to such other person as may be designated by the governing body of the city or county, or in the event there be no such officer or person appointed within the area, to the State Fire Marshal or his

appropriate deputy. Applications for permits shall be made in writing at least 10 days in advance of the proposed display.

(Added by Stats. 1955, Ch. 1891.)

12602. It shall be the duty of the officer to whom the application for a permit was made to make an investigation and submit a report of his findings and his recommendation for or against the issuance of the permit, together with his reasons therefor, to the governing body of the city or county.

(Added by Stats. 1955, Ch. 1891.)

12603. The governing body shall have power in its discretion to grant or deny the application, subject to such reasonable conditions, if any, as it shall prescribe.

(Added by Stats. 1955, Ch. 1891.)

12604. A permit shall not be issued unless the person applying for the permit has first obtained a license from the State Fire Marshal, as provided in this part, to do the particular act or acts described in the permit. No license shall be required for the use or discharge of agricultural and wild life fireworks.

(Added by Stats. 1955, Ch. 1891.)

12605. It shall be the duty of the officer to whom the application for a permit for a public display of fireworks is made to make an investigation as to whether such a display as proposed will be of such a character and will be so located that it may be hazardous to property or dangerous to any person, and he shall in the exercise of reasonable discretion grant or deny the application, subject to such reasonable conditions, if any, as he may prescribe.

(Added by Stats. 1955, Ch. 1891.)

12606. The applicant for a permit for a public display of fireworks shall at the time of application submit his license for inspection and furnish proof that he carries compensation insurance for his employees as provided by the laws of this State. He shall file with the officer to whom the application is made, a bond issued by an authorized surety company to be approved by such officer, conditioned upon the applicant's payment of all damages to persons or property which shall or may result from or be caused by such public display of fireworks, or any negligence on the part of the applicant, or his or its agents, servants, employees, or subcontractors in the presentation thereof, or a certificate evidencing the carrying of appropriate public liability insurance for the benefit of the person named therein as assured, as evidence of ability to respond in damages in at least such amount, said policies to be similarly approved.

(Added by Stats. 1955, Ch. 1891.)

12607. If a permit for the public display of fireworks is granted, the sale, possession and use of fireworks for the public display is lawful for that purpose only. No such permit granted shall be transferable.

(Added by Stats. 1955, Ch. 1891.)

12608. In the case of an application for a permit for the public display of fireworks, the amount of such a surety bond shall be not less than ten thousand dollars (\$10,000), and the amount of such insurance shall be not less than twenty thousand dollars (\$20,000).

(Added by Stats. 1955, Ch. 1891.)

12609. No permit shall be granted under this chapter for any activity unless the person applying for the permit has obtained a valid license, if a license is required under this part for such activity.

(Added by Stats. 1955, Ch. 1891.)

CHAPTER 4. LICENSES

(Chapter 4 added by Stats. 1955, Ch. 1891)

12650. The State Fire Marshal shall have the power to issue and renew licenses for the manufacture, importation, exportation, sale, use and transportation of all fireworks in this State.

(Added by Stats. 1955, Ch. 1891.)

12651. No license shall be required for the use or discharge of agricultural and wild life fireworks.

(Added by Stats. 1955, Ch. 1891.)

12652. Any person who desires to engage in the manufacture, importation, sale, or use of fireworks shall first make a written verified application to the State Fire Marshal on forms provided by him. Such application shall be accompanied by the annual license fee as prescribed in this chapter.

(Added by Stats. 1955, Ch. 1891.)

12653. The application for a license shall be signed by the applicant. If application is made by a partnership, it shall be signed by each partner of the partnership, and if application is made by a corporation, it shall be signed by an officer of the corporation and bear the seal of the corporation.

(Added by Stats. 1955, Ch. 1891.)

12654. Application for renewal of a license shall be made annually by every person holding an existing license and accompanied by the annual license fee as prescribed in this chapter.

(Added by Stats. 1955, Ch. 1891.)

12655. If the State Fire Marshal finds that the granting or renewing of such license would not be contrary to public safety or welfare, he shall issue or renew a license authorizing the applicant to engage in the particular act or acts upon the payment of the license fee specified in this chapter. Licensees may transport the class of fireworks for which they hold a valid license.

(Added by Stats. 1955, Ch. 1891.)

12656. The authorization to engage in the particular act or acts conferred by a license to a person shall extend to salesmen and other employees of such person who are registered with the State Fire Marshal.

(Added by Stats. 1955, Ch. 1891.)

12657. The original and annual renewal license fee shall be as follows:

Manufacturer	\$500
Importer, exporter, or importer and exporter ----	100
Wholesaler	1,000
Retailer (for each separate retail outlet)	10
Public display for dangerous fireworks	25
Pyrotechnic operator for dangerous fireworks ---	10

(Added by Stats. 1955, Ch. 1891; amended by Stats. 1963, Ch. 697.)

12658. Beginning January 1, 1956, the original and annual renewal license fee shall be for the calendar year from January 1st to December 31st or for the remaining portion thereof.

(Added by Stats. 1955, Ch. 1891.)

12659. A penalty fee equal to 50 percent of the required original and annual renewal license fee shall be added to such fee in all cases where the fee for a renewal of a license is not paid on or before April 1st.

(Added by Stats. 1955, Ch. 1891.)

12659.5. No retailer's license, either original or renewal, shall be issued to any retailer for any calendar year, or for the remaining portion thereof, unless application for such license is received by the State Fire Marshal on or before June 15 of such year.

(Added by Stats. 1961, Ch. 506.)

12660. Notwithstanding any of the other provisions of this part relating to public liability insurance and bonds, any adult individual, concern, firm, corporation, or copartnership may secure a general license for the public display of fireworks within the State of California subject to the provisions of this part relative to the securing of local permits for the public display of fireworks in any city or county, except that in lieu of filing the bonds or certificate of public liability insurance as required in Chapter 3 of this part, a surety bond similarly conditioned in the amount of twenty-five thousand dollars (\$25,000) or a certificate evidencing public liability insurance in a like amount shall be filed with the State Fire Marshal. The State Fire Marshal shall have the authority to issue such licenses, subject to such reasonable rules and regulations which he may adopt, not inconsistent with the provisions of this part. A certificate evidencing such general license, when so obtained, shall be filed with the legislative body or officer granting a permit for the public display of fireworks prior to the issuance thereof.

(Added by Stats. 1955, Ch. 1891.)

12661. If the State Fire Marshal finds that the granting or renewing of a license would be contrary to public safety or welfare, he may deny the application for a license or a renewal of a license.

(Added by Stats. 1955, Ch. 1891.)

12662. A written report of the State Fire Marshal, any of his deputies or salaried assistants, or the chief of any city or county fire department or fire protection district or their authorized representatives, disclosing that the applicant for a license or for a renewal of a license, or the premises for which a license is to apply, do not meet the qualifications or conditions for a license shall constitute grounds for the denial of any application for a license or the renewal of a license.

(Added by Stats. 1955, Ch. 1891.)

12663. Any applicant who has been denied a license or a renewal of a license shall be entitled to a hearing in accordance with the provisions of this part.

(Added by Stats. 1955, Ch. 1891.)

12664. The State Fire Marshal, upon reasonable opportunity to be heard, shall revoke any license issued pursuant to this part, if he finds that:

(a) A licensee has failed to pay the original and annual renewal license fee provided in this chapter.

(b) The licensee has violated any provisions of this part or any rule or regulations made by the State Fire Marshal under and with the authority of this part.

(c) The licensee has created or caused a fire nuisance.

(d) Any licensee has failed or refused to file any required reports.

(e) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the State Fire Marshal in refusing originally to issue such license.

(Added by Stats. 1955, Ch. 1891.)

12665. The State Fire Marshal may, upon three days' notice and a hearing, suspend any license for a period not exceeding 30 days, pending investigation.

(Added by Stats. 1955, Ch. 1891.)

12666. Except where a shorter time for setting the hearing is prescribed in this part, all hearings under this part shall be conducted in accordance with Chapter 5 of Part 1, Division 3, Title 2 of the Government Code and in all cases the State Fire Marshal shall have all the powers granted therein.

(Added by Stats. 1955, Ch. 1891.)

CHAPTER 5. ENFORCEMENT

(Chapter 5 added by Stats. 1955, Ch. 1891)

12700. All fireworks, before being imported, exported, sold or offered for sale, shall be classified by the State Fire Marshal, in accordance with the provisions of this part, as being either "dangerous fireworks," "safe and sane fireworks," or "agricultural and wild life fireworks."

(Added by Stats. 1955, Ch. 1891.)

12701. No fireworks items shall be sold, offered for sale, discharged, or transported within the State without first having been classified and registered by the State Fire Marshal.

Any licensee desiring to have "safe and sane" fireworks articles classified and registered by the State Fire Marshal shall submit to his office not less than three live samples of each item for which classification is desired together with a notarized chemical analysis of the materials of such samples. Each item must be labeled as for sale and distribution together with firing instructions. Every fireworks article which has not been submitted for classification or which does not bear the classification label of the State Fire Marshal shall be considered to be "dangerous fireworks." All shipments shall be prepaid. Classification shall be limited to the products of licensed manufacturers, importers or wholesalers.

(Added by Stats. 1955, Ch. 1891.)

12702. The manufacturer, importer or wholesaler shall stamp or label each case or carton of dangerous fireworks offered for sale, sold, consigned or delivered within this State for sale or use within this State as "dangerous fireworks." Each package of safe and sane fireworks shall be marked as "safe and sane fireworks" and shall bear the State Fire Marshal's classification label and license number.

(Added by Stats. 1955, Ch. 1891.)

12703. No "safe and sane" fireworks shall be sold or offered for sale at retail within this State except from 12 noon on the twenty-eighth of June to 12 noon on the sixth of July of each year.

(Added by Stats. 1955, Ch. 1891.)

12704. No "safe and sane" fireworks shall be sold or offered for sale at retail unless the fuses or other igniting devices are protected by approved protective caps or each item or group of items is enclosed or sealed in a package bearing the State Fire Marshal's Seal of Registration upon which the wholesaler's license number appears.

(Added by Stats. 1955, Ch. 1891.)

12705. Toy pistols, toy canes, toy guns, or other similar devices in which paper caps containing not more than twenty-five hundredths (.25) grain of explosive compound for each cap is used may be sold at all times unless prohibited by local ordinance.

(Added by Stats. 1955, Ch. 1891.)

12706. All public displays of fireworks shall be of such a character and so located, discharged, or fired as not to be hazardous or dangerous to persons or property.

(Added by Stats. 1955, Ch. 1891.)

12707. Every public display of fireworks shall be handled or supervised by a competent and experienced pyrotechnic operator approved by the chief of the fire department or the chief fire prevention officer of the city or county in which the display is to be held, or by the State Fire Marshal or his authorized deputy therefor, if there be no chief of the fire department or chief fire prevention officer in the area.

(Added by Stats. 1955, Ch. 1891.)

12708. It shall be unlawful for any person to store fireworks of any class without first having made a written application for and received a permit for such storage to the chief of the fire department or to the chief fire prevention officer of the city or county in which the storage is to be made, or to the State Fire Marshal, or to such authorized deputy as may be designated for such purpose at least 10 days prior to the date of the proposed storage. If there is no chief of the fire department or chief fire prevention officer in the area, it shall be the duty of the officer to whom the application for a storage permit is made to make an investigation as to whether such storage as proposed will be of such a nature and character and will be so located as to constitute a hazard to property or be dangerous to any person, and he shall in the exercise of reasonable discretion grant or deny the application, subject to such reasonable conditions, if any, as he may prescribe.

(Added by Stats. 1955, Ch. 1891.)

12709. It shall be unlawful for any person to store unsold stocks of safe and sane fireworks remaining unsold after the lawful period of sale as provided in his permit except in such places of storage as the local officer issuing the permit shall approve. Unsold stocks of safe and sane fireworks remaining after the authorized retail sales period from 12 a.m. on June 28th to 12 a.m. on July 6th shall be returned on or before July 31st of the same year to the approved storage facilities of a licensed fireworks wholesaler, to a magazine or storage place approved by the chief of any city or county fire department or fire protection district, or to a place approved by the State Fire Marshal.

(Added by Stats. 1955, Ch. 1891.)

12710. Following the revocation or voluntary surrender of, or failure to renew his license, any person in lawful possession of a lawfully acquired stock of fireworks may sell such fireworks only under supervision of the State Fire Marshal and in such a manner as he shall by rule provide and solely to persons who are authorized to buy, possess, sell, or use such fireworks.

(Added by Stats. 1955, Ch. 1891.)

12711. Any fireworks not bearing the seal of approval of the State Fire Marshal which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of this part or the rules or regulations of the State Fire Marshal shall be subject to seizure by the State Fire Marshal or any Deputy State Fire Marshal. Any fireworks seized under this section may be disposed of by the State Fire Marshal by summary destruction at any time subsequent to 30 days from such seizure or 10 days from the final termination of proceedings under the provisions of Section 12712, whichever is later.

(Added by Stats. 1955, Ch. 1891.)

12712. Any person whose fireworks are seized under the provisions of Section 12711 may within 10 days after such seizure petition the State Fire Marshal to return the fireworks seized upon the ground that such fireworks were illegally or erroneously seized. Any petition filed hereunder shall be considered by the State Fire Marshal within 15 days after filing and an oral hearing granted the petitioner if requested. Notice of the decision of the State Fire Marshal shall be served upon the petitioner. The State Fire Marshal may order the fireworks seized under this chapter disposed of or returned to the petitioner if illegally or erroneously seized. The determination of the State Fire Marshal is final unless within 60 days an action is commenced in a court of competent jurisdiction in the State of California for the recovery of the fireworks seized by the State Fire Marshal.

(Added by Stats. 1955, Ch. 1891.)

12713. The State Fire Marshal, and his deputies or salaried assistants, the chief of any city or county fire department or fire protection district, or any of their authorized representatives may remove any vehicle which is used unlawfully to transport fireworks or in which any fireworks are unlawfully kept, deposited or concealed, to the nearest garage or other place of safety or to a garage designated or maintained by the State Fire Marshal.

In the event that the State Fire Marshal, or any of his deputies or salaried assistants, the chief of any city or county fire department or fire protection district, or any of their authorized representatives, removes any such vehicle, he shall give the notices required of officers under Article 3 (commencing with Section 22850), Chapter 10, Division 11 of the Vehicle Code, and the keeper of any garage in which any such vehicle is stored may have a lien thereon for his compensation for towage and for caring for and keeping safe such vehicle and may satisfy such lien upon compliance with and under the conditions stated in Article 3 (commencing with Section 22850), Chapter 10, Division 11 of the Vehicle Code.

(Added by Stats. 1955, Ch. 1891; amended by Stats. 1961, Ch. 58. In effect March 31, 1961. Amended by Stats. 1963, Ch. 278.)

12714. The State Fire Marshal may make an examination of the books and records of any licensee, or other person relative to fireworks, and may visit and inspect the premises of any licensee he may deem at any time necessary for the purpose of enforcing the provisions of this part. The licensee, owner, lessee, manager, or operator of any such building or premises shall permit the State Fire Marshal, his deputies, his salaried assistants and the chief of any city or county fire department or fire protection district and their authorized representatives to enter and inspect the premises at the time and for the purpose stated in this section.

(Added by Stats. 1955, Ch. 1891.)

12715. All licensees shall maintain and make available to the State Fire Marshal full and complete records showing all production, imports, exports, purchases, sales, and consumption of fireworks items by kind and class whether dangerous fireworks, safe and sane fireworks, or agricultural and wild life fireworks.

(Added by Stats. 1955, Ch. 1891.)

12716. When reports on fireworks transactions or the payments of license fees or penalties are required to be made on or by specified dates, they shall be deemed to have been made at the time they are filed with or paid to the State Fire Marshal or, if sent by mail, on the date shown by the United States postmark on the envelope containing the report or payment.

(Added by Stats. 1955, Ch. 1891.)

12717. In addition to any other reports required under this part, the State Fire Marshal may, by rule or otherwise, require additional, other, or supplemental reports from licensees and other persons and prescribe the form, including verification, of the information to be given when filing such additional, other or supplemental reports.

(Added by Stats. 1955, Ch. 1891.)

12718. Each bill of lading, manifest, and invoice issued to cover sales or shipments of fireworks shall bear the license number of both the seller or shipper and buyer or receiver.

(Added by Stats. 1955, Ch. 1891.)

CHAPTER 6. PROHIBITIONS

(Chapter 6 added by Stats. 1955, Ch. 1891)

12750. The sale, transportation, possession, or discharge of unclassified fireworks is prohibited.

(Added by Stats. 1955, Ch. 1891.)

12751. The transfer of dangerous fireworks ownership, whether by sale at wholesale or retail, by gift or other means of conveyance of title or the delivery of any dangerous fireworks to any person in the State who does not possess and present to the seller for inspection at the time of transfer a valid license and permit, where such permit is required to purchase, possess, transport, or use dangerous fireworks, is prohibited.

(Added by Stats. 1955, Ch. 1891.)

12752. The unlawful possession of any class or kind of fireworks in violation of the provisions of this part shall be a misdemeanor.

(Added by Stats. 1955, Ch. 1891.)

12753. Possession of fireworks unmarked with the manufacturer's license number and the State Fire Marshal's classification as required by this part shall be prima facie evidence of a violation of this part.

(Added by Stats. 1955, Ch. 1891.)

12754. Nothing in this part, or the permits issued under it, shall authorize the manufacture, sale, use or discharge of fire-

works in any city or county in which such manufacture, sale, use or discharge is otherwise prohibited by law or ordinance.

(Added by Stats. 1955, Ch. 1891.)

12755. Nothing in this part shall be construed as permitting any person to set off fireworks of any kind in forest, fallows, grass- or brush-covered land, either on his own land or the property of another unless it is done under a written permit from the State Forester or his duly authorized agent, and in strict accordance with the terms of the permit and any other applicable law.

(Added by Stats. 1955, Ch. 1891; amended by Stats. 1963, Ch. 258.)

12756. No person shall transport, convey, or deliver any dangerous fireworks or agricultural and wild life fireworks except for licensed permittees making delivery to:

- (a) Other licensed permittees;
- (b) Locations of public displays of fireworks authorized under this part;
- (c) Distributors outside this State; or
- (d) Agricultural or wild life permittees.

(Added by Stats. 1955, Ch. 1891.)

12757. No person shall sell or discharge any fireworks in any public garage or public oil station or on any premises where gasoline or other Class 1 flammable liquids are stored or dispensed or where more than four motor vehicles are stored.

(Added by Stats. 1955, Ch. 1891.)

12758. No person shall sell or transfer any "dangerous fireworks" to any person who is not a fireworks permittee as provided for by this part.

(Added by Stats. 1955, Ch. 1891.)

12759. No person shall sell or transfer any "safe and sane fireworks" to a consumer or user thereof other than at a fixed place of business of a retailer for which a license and permit have been issued.

(Added by Stats. 1955, Ch. 1891.)

12760. No person shall allow any rubbish to accumulate in any premises when any fireworks are stored or sold or permit a fire nuisance to exist.

(Added by Stats. 1955, Ch. 1891.)

12761. This part does not prohibit any manufacturer, wholesaler, dealer or jobber, having a license and a permit secured under the provisions of this part, from:

(a) Manufacturing or selling any kind of fireworks for direct shipment out of this State.

(b) Manufacturing or selling at wholesale any dangerous fireworks to persons holding permits hereunder.

(c) Selling blank cartridges for use by persons for bona fide ceremonial purposes, athletic or sports events, or military ceremonials or demonstrations.

(d) Selling dangerous fireworks to persons having a license and a permit for public displays of fireworks.

(Added by Stats. 1955, Ch. 1891.)

12762. This part does not prohibit the use of torpedoes, flares, or fuses by motor vehicles, railroads, or other transportation agencies for signal purposes or illumination.

(Added by Stats. 1955, Ch. 1891; amended by Stats. 1959 Ch. 1135.)

12763. This part does not prohibit the assembling, compounding, use and display of fireworks of whatever nature by any person engaged in the production of motion pictures, theatricals, or operas when such use and display is a necessary part of the production and such person possesses a valid permit to purchase, possess, transport or use dangerous fireworks.

(Added by Stats. 1955, Ch. 1891.)

12764. The provisions of this part do not apply to research or experiments with rockets or missiles, or the production, transportation, or firing of rockets or missiles, by the Department of Defense of the United States, or by any agency or organization acting pursuant to a contract which it has with the Department of Defense for the development or production of rockets or missiles.

(Added by Stats. 1959, Ch. 1135.)

CHAPTER 7. PENALTIES

(Chapter 7 added by Stats. 1955, Ch. 1891)

12800. Any person violating any of the provisions of this part or any rules or regulations issued thereunder is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not exceeding one year, or by both such fine and imprisonment.

(Added by Stats. 1955, Ch. 1891.)

12801. A person is guilty of a separate offense for each day during which he commits, continues, or permits a violation of any provision of, or any order, rule, or regulation made pursuant to, this part.

(Added by Stats. 1955, Ch. 1891.)

DIVISION 12. FIRES AND FIRE PROTECTION

PART 1. GENERAL PROVISIONS

CHAPTER 1. LIABILITY IN RELATION TO FIRES

13000. Every person is guilty of a misdemeanor who allows a fire kindled or attended by him to escape from his control or to spread to the lands of any person other than the builder of the fire without using every reasonable and proper precaution to prevent the fire from escaping.

13001. Every person is guilty of a misdemeanor who throws or places any lighted cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may cause a fire, in any place where it may directly or indirectly start a

fire, or who uses or operates a welding torch, tar pot or any other device which may cause a fire, who does not clear the inflammable material surrounding the operation or take such other reasonable precautions necessary to insure against the starting and spreading of fire.

(Amended by Stats. 1945, Ch. 994.)

13002. Every person is guilty of a misdemeanor who throws or discharges from any vehicle any litter or any lighted cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may cause a fire.

"Litter," as used in this section, includes any substance which is mentioned in Section 23112 of the Vehicle Code.

Any person convicted under this section for throwing or discharging any litter or any flaming or glowing substance from any motor vehicle outside of a business or residence district is guilty of a misdemeanor.

(Amended by Stats. 1963, Ch. 2038.)

13003. Every person is guilty of a misdemeanor who uses any logging locomotive, donkey or threshing engine, or any other engine or boiler, in or near any forest, brush, grass, grain, or stubble land, unless the engine or boiler is provided with adequate devices to prevent the escape of fire or sparks and unless he uses every reasonable precaution to prevent the causing of fire thereby.

13004. Every person is guilty of a misdemeanor who harvests grain or causes it to be harvested by means of a combined harvester, header, or stationary threshing machine, or who bales hay by means of a hay press, unless he keeps at all times in convenient places upon each machine or press, two suitable chemical fire extinguishers, each of a capacity of not less than two and one-half gallons and fully equipped and ready for immediate use, or two back-pack or pump-type water extinguishers of not less than four-gallon capacity, fully equipped, filled with water and ready for immediate use.

(Amended by Stats. 1945, Ch. 994, and by Stats. 1955, Ch. 815.)

13005. Every person is guilty of a misdemeanor who operates or causes to be operated any gas tractor, oil-burning engine, gas-propelled harvesting machine, or auto truck in harvesting or moving grain or hay, or who moves any tractor, engine, machine or auto truck in or near any grain or grass lands, unless there is attached to the exhaust an effective device for arresting burning carbon and sparks.

13006. Every person is guilty of a misdemeanor who, at the burning of a building, does any of the following:

(a) Disobeys the lawful orders of any public officer or fireman.

(b) Offers any resistance to or interference with the lawful efforts of any fireman or company of firemen to extinguish the fire.

(c) Engages in any disorderly conduct calculated to prevent the fire from being extinguished.

(d) Forbids, prevents, or dissuades others from assisting to extinguish the fire.

13007. Any person who personally or through another wilfully, negligently, or in violation of law, sets fire to, allows fire to be set to, or allows a fire kindled or attended by him to escape to, the property of another, whether privately or publicly owned, is liable to the owner of such property for any damages to the property caused by the fire.

(Added by Stats. 1953, Ch. 48, as part of codification.)

13008. Any person who allows any fire burning upon his property to escape to the property of another, whether privately or publicly owned, without exercising due diligence to control such fire, is liable to the owner of such property for the damages to the property caused by the fire.

(Added by Stats. 1953, Ch. 48, as part of codification.)

13009. The expenses of fighting any fires mentioned in Sections 13007 and 13008 are a charge against any person made liable by those sections for damages caused by such fires. Such charge shall constitute a debt of such person, and is collectible by the person, or by the federal, state, county, or private agency, incurring such expenses in the same manner as in the case of an obligation under a contract, expressed or implied.

(Added by Stats. 1953, Ch. 48, as part of codification.)

13010. Sections 13007, 13008, and 13009 of this code do not apply to nor affect any rights, duties, or causes of action in existence and accruing prior to August 14, 1931.

(Added by Stats. 1953, Ch. 48, as part of codification.)

CHAPTER 2. FIRE EQUIPMENT

Article 1. Standard Equipment

13025. All equipment for fire protective purposes, purchased by any authorities having charge of public property, shall be equipped with the standard threads for fire hose couplings and hydrant fittings designated as the National standard as adopted by the National Board of Fire Underwriters, which standard is designated as the standard for such equipment in this State.

13025.5. Notwithstanding the provisions of Section 13025 of this code, equipment for fire protective purposes which is equipped with one-and-one-half-inch (1½-inch) threaded hose fittings may, for a period of five years after the effective date of this section, be used by authorities having charge of public property and may be used by public fire protection agencies. After the expiration of that period, unless specifically authorized by the State Fire Marshal to use equipment which does not conform to such requirements, all equipment used by a public fire protection agency shall conform to the requirements of Section 13025 of this code. The State Fire Marshal may authorize a public fire protection agency to continue to use equipment which does not conform to the requirements of

Section 13025 if he determines that such public fire protection agency has available a sufficient number of suitable adapters to permit the use of such equipment in conjunction with equipment which conforms to the requirements of Section 13025.

This section shall remain in effect until the 91st day after the final adjournment of the 1965 Regular Session of the Legislature, and shall have no force or effect after that date.

(Added by Stats. 1957, Ch. 2357; amended by Stats. 1963, Ch. 1453.)

13026. The State Fire Marshal is authorized to make such changes as may be necessary to standardize all existing fire protective equipment throughout the State. The State Fire Marshal shall procure and make available to fire departments of governmental agencies such rethreading equipment and tools as are necessary to convert one-and-one-half-inch (1½-inch) threaded fittings to the National Standard thread.

(Amended by Stats. 1943, Ch. 782, and by Stats. 1957, Ch. 2357.)

13027. The State Fire Marshal shall notify industrial establishments and property owners having equipment for fire protective purposes of the changes necessary to bring their equipment into conformity with, and shall render them such assistance as may be available in converting their equipment to, standard requirements.

13028. Any person who sells or offers for sale any fire hose, hydrant, fire engine or other equipment with threaded parts, for fire protective purposes, unless it is fitted and equipped with the standard thread for fire hose couplings and hydrant fittings is guilty of a misdemeanor, punishable by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), or by imprisonment in the county jail for not less than five or more than 30 days, or by both.

Article 2. Use of Fire Equipment

13050. The apparatus, equipment and fire fighting force of any city, or city and county, or of any county fire protection district may be used for the purpose of extinguishing any fire which occurs:

(a) In any city, or city and county, or in any county fire protection district, which is of such proportions that it can not be adequately handled by the fire department of the city, or city and county, or the county fire protection district.

(b) Outside the limits of any city, or city and county, or any county fire protection district.

13051. The reasonable value of the use of, and repairs and depreciation on, apparatus and equipment, and other expenses reasonably incurred in furnishing fire fighting services, constitutes a charge against the city, city and county, or the county fire protection district in which the fire occurs, or if the fire occurs outside the boundaries of any city, city and county, or any county fire protection district, a charge against the county in which the fire occurs.

13052. The entity rendering the service shall present a claim to the entity liable therefor, in accordance with predetermined schedules of payments agreed upon by the respective entities. If the claim is approved by the head of the fire department, if any, in the entity to which presented, and by its governing body, it shall be paid in the same manner as other charges and if not paid an action may be brought for its collection.

13052.5. The governing board of any county fire protection district may contract with any city contiguous to the district for the furnishing of fire protection to the district by such city, and the legislative body of any city may contract for the furnishing of fire protection to the district in such manner and to such extent as the legislative body may deem advisable.

All of the privileges and immunities from liability which surround the activities of any city fire fighting force or department when performing its functions within the territorial limits of the city shall apply to the activities of any city fire fighting force or department while furnishing fire protection outside the city under any contract with a county fire protection district pursuant to this section.

(Added by Stats. 1953, Ch. 48, as part of codification.)

13053. Whenever a fire occurs in any county or within the boundaries of any National forest which is of such proportions that it can not be adequately handled by the forestry department or fire warden of the county or the facilities of the Division of Forestry of the State or of the United States Forest Service, the personnel, equipment, and fire fighting facilities of any county may be authorized by the State forest ranger within the county or the county forester or fire warden of the county to assist in its extinguishment and control.

13054. Where the personnel, equipment, and facilities of any county are utilized in the extinguishment or control of any fire outside its boundaries, the county furnishing its personnel, equipment, and facilities shall be reimbursed by the county in which the fire occurs in an amount in accordance with a predetermined schedule of repayments agreed upon by the boards of supervisors of the counties, or between the board of supervisors of the county and the Division of Forestry of the State or the United States Forest Service, as the case may be.

13055. Any public agency authorized to engage in fire protection activities, including but not limited to a fire protection district, city, city and county, or county fire department, the State Division of Forestry, and the United States Forest Service, may use fire to abate a fire hazard.

(Added by Stats. 1959, Ch. 353.)

PART 2. FIRE PROTECTION

CHAPTER 1. STATE FIRE MARSHAL

Article 1. General

(Article heading added by Stats. 1945, Ch. 1173)

13100. There is in the State Government the office of the State Fire Marshal.

13100.1. The functions of the office shall be to foster, promote and develop ways and means of protecting life and property against fire and panic.

(Added by Stats. 1945, Ch. 1173.)

13101. The State Fire Marshal shall be appointed by the Governor with the advice and consent of the Senate and shall hold office at the pleasure of the Governor. In order to be eligible for appointment, he shall have had not less than eight years experience in a regularly organized fire department in this State. He shall be paid the annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

(Amended by Stats. 1941, Ch. 756, by Stats. 1945, Ch. 1173 and Ch. 1185, by Stats. 1947, Ch. 1389, and by Stats 1951, Ch. 1613.)

13102. The State Fire Marshal may employ such salaried office and field assistants as he may consider necessary.

13103. The State Fire Marshal may appoint such assistant or deputy State fire marshals as he may consider necessary from among active chiefs of fire departments, city fire marshals, and his salaried field assistants.

The State Fire Marshal and the assistant or deputy State fire marshals shall exercise the functions of police officers.

13104. The State Fire Marshal shall aid in the enforcement of all laws and ordinances and any rules and regulations adopted under the provisions of this chapter relating to fires or to fire prevention and protection.

He shall, if possible, attend, and take charge of and protect all property which may be imperiled by any fire other than:

(a) A forest, brush, or grain fire.

(b) A fire occurring within any city or town maintaining a fire department, within a county fire protection district, or within a county where there is a regularly appointed county fire warden.

(Amended by Stats. 1945, Ch. 1173.)

13104.5. Except on property which has been deeded to the State for taxes, the State Fire Marshal may abate fire hazards existing on property owned, controlled, or held in trust by the State, in areas not under the jurisdiction of the State Forester, upon the request of the legislative body of the city, county, or city and county within which the property is situated. The cost of the abatement shall be paid out of any money in the State Treasury appropriated for that purpose.

(Added by Stats. 1939, Ch. 693.)

13104.6. The State Fire Marshal may determine the existence of a fire hazard on any property which has been deeded to the State for taxes and may serve a written notice of condemnation of the fire hazard on the State Controller, or on any person designated by the Controller. The fire hazard is then subject to removal in accordance with the law relating to removal of public nuisances on tax-deeded property.

(Added by Stats. 1939, Ch. 693.)

13105. He shall encourage the adoption of fire prevention measures by means of education, and shall prepare or cause to be prepared for dissemination information relating to the subject of fire prevention and extinguishment.

13105.5. The State Fire Marshal shall compile and publish the laws relating to firemen and fire protection and control. Each legislative year, he shall publish amendments and additions thereto. Copies of the compilations and amendments shall be distributed at cost in accordance with the actual costs of printing and publication.

(Added by Stats. 1955, Ch. 419; amended by Stats. 1963, Ch. 1371.)

13106. During the existence of a fire, the State Fire Marshal may protect any property which is affected thereby until the arrival of the owner or claimant. If the owner or claimant does not take charge of the property within 24 hours, the State Fire Marshal may store it at the owner's or claimant's expense.

13107. If there is reason to believe that any fire has resulted from crime or that crime has been committed in connection with any fire, the State Fire Marshal shall report that fact in writing to the district attorney of the county in which the fire occurred. If the fire occurred in a city or county having a regularly organized fire department, such investigations and reports shall be made in conjunction with the fire official of that area.

(Amended by Stats. 1945, Ch. 1173.)

13108. Notwithstanding the provisions of Sections 13145 and 13146, the State Fire Marshal and his salaried assistants shall make and enforce orders, rules, and regulations, not inconsistent with existing laws or ordinances relating to fire protection in the design and construction of, the means of egress and the adequacy of exits from, the installation and maintenance of fire alarm and fire extinguishment equipment or systems in, and the installation and maintenance of equipment and furnishings that present unusual fire hazards in, any state institution or other state-owned building.

The State Fire Marshal may authorize the fire officials of a regularly organized fire department of a city, county or fire protection district to enter any state institution or any other state-owned or state-occupied building for the purpose of preparing a fire suppression preplanning program. The State Fire Marshal and his salaried assistants shall not have the authority under this section to make or enforce orders, rules, or regula-

tions regarding the design or construction of privately owned buildings occupied by the State.

(Amended by Stats. 1943, Ch. 782, by Stats. 1945, Ch. 1173, and by Stats. 1963, Ch. 1554.)

13109. The State Fire Marshal, his deputies, or his salaried assistants, the chief of any city or county fire department or fire protection district and their authorized representatives may enter any building or premises not used for dwelling purposes at any reasonable hour for the purpose of enforcing this chapter. The owner, lessee, manager or operator of any such building or premises shall permit the State Fire Marshal, his deputies, his salaried assistants and the chief of any city or county fire department or fire protection district and their authorized representatives to enter and inspect them at the time and for the purpose stated in this section.

(Amended by Stats. 1943, Ch. 782, and by Stats. 1945, Ch. 1173.)

13110. The State Fire Marshal shall submit monthly and annual reports to the Governor.

13111. The State Fire Marshal's Fund shall be discontinued on the first day of the month following the effective date of this section. The unexpended money in the fund shall thereafter be transferred to the General Fund. The cost of enforcing this chapter and any other laws in which the State Fire Marshal is designated as the enforcing officer or agent shall be paid for out of funds appropriated from the General Fund for that purpose.

Any appropriation heretofore or hereafter made payable out of the State Fire Marshal's Fund, on and after the first day of the month following the effective date of this section, shall be payable out of the General Fund.

Any appropriations heretofore or hereafter made to the Division of Fire Safety in the Department of Industrial Relations shall be deemed to have been made to the Office of the State Fire Marshal.

(Added by Stats. 1939, Ch. 105; amended by Stats. 1945, Ch. 1173.)

13111.1. The office of the State Fire Marshal may expend money appropriated for the administration of the laws, the enforcement of which is committed to the office. Such expenditures by the office shall be made in accordance with law in carrying on the work for which such appropriations were made.

(Added by Stats. 1945, Ch. 1173.)

13111.2. The State Fire Marshal is the head of a department within the meaning of Chapter 2, Part 1, Division 3, Title 2, of the Government Code.

13112. Every person who violates any provision of this chapter, or any order, rule, or regulation made pursuant to this chapter, is guilty of a misdemeanor punishable by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), or by imprisonment for not less than 30 nor more than 180 days, or by both.

A person is guilty of a separate offense each day during which he commits, continues, or permits a violation of any provision of, or any order, rule, or regulation made pursuant to, this chapter.

13113. No person, firm, or corporation shall establish, maintain, or operate any children's home, children's nursery, or institution, or a home or institution for the care of aged and senile persons, or any sanitarium or institution for insane or mentally retarded persons wherein more than six guests or patients are housed or cared for on a 24-hour-per-day basis unless there is installed and maintained in an operable condition in every building or portion thereof where patients or guests are housed either a heat-activated fire alarm system or automatic sprinkler system of a type approved by the State Fire Marshal. The provisions of this section shall apply to all new occupancies on the effective date of this section and shall apply to existing occupancies after January 1, 1957. This section shall not apply to such institutional occupancies where the buildings are of a fire-resistive construction. "Fire-resistive construction," as used in this section, shall mean a building of Type I or Type II construction as designated in the Basic Building Design and Construction Standards of the State Fire Marshal.

This section does not prevent the State Fire Marshal, with the written approval of the chief fire official of the city, county or district, from exempting individual buildings from the provisions of this section if fire safety substantially equivalent to that specified in this section has been provided.

(Added by Stats. 1955, Ch. 1480; amended by Stats. 1957, Ch. 439. In effect May 21, 1957.)

13114. The State Fire Marshal shall adopt necessary rules and regulations for the approval and listing of fire alarm and automatic sprinkler systems substantially consistent with the Standards of Installation, Maintenance and Use of Proprietary, Auxiliary and Local Protective Signaling Systems published by the National Fire Protection Association as N. F. P. A. Pamphlet No. 72, June, 1952.

(Added by Stats. 1955, Ch. 1480.)

13114.5. The governing body of any city or county may enact ordinances or laws imposing restrictions greater than those imposed by Sections 13113 and 13114.

(Added by Stats. 1955, Ch. 1480.)

13115. It is unlawful for any person, firm or corporation to establish, maintain or operate any circus, side show, carnival, tent show, theater, skating rink, dance hall, or a similar exhibition, production, engagement or offering or other place of assemblage in or under which 10 or more persons may gather for any lawful purpose, in any tent, awning or other fabric enclosure unless such tent, awning or other fabric enclosure, and all auxiliary tents, curtains, drops, awnings and all decorative materials, are made from a nonflammable material or are treated and maintained in a flame-retardant condition. This

paragraph shall not apply to tents used to conduct committal services on the grounds of a cemetery, nor to tents, awnings or other fabric enclosures erected and used within a sound stage, or other similar structural enclosure which is equipped with an overhead automatic sprinkler system.

“Flame-retardant” as used herein means treated by a flame-retardant solution or process approved by the State Fire Marshal, that will render the fabric or material resistant to flame or fire to the extent that it will successfully withstand standard fire-resistive tests adopted and promulgated by the State Fire Marshal.

(Added by Stats. 1945, Ch. 727; amended by Stats. 1947, Ch. 800.)

13116. The State Fire Marshal is hereby authorized and directed to prepare and adopt rules and regulations establishing minimum standards for the prevention of fire and panic in connection with the use of tents, awnings or other fabric enclosures.

(Added by Stats. 1945, Ch. 727.)

13118. All solvents offered for sale at retail having a flash point below 120 degrees F., closed cup test, shall have on the container a label, in legible type in contrast with the background of said label, words indicating that said solvent is flammable.

Any person, firm or corporation in violation of the provisions of this section shall be guilty of a misdemeanor.

This act shall not become effective until July 1, 1948.

(Added by Stats. 1947, Ch. 1030.)

13119. It is unlawful for any person, firm or corporation to establish, maintain or operate any night club, restaurant, cafe or any similar place where alcoholic liquors are sold for consumption on the premises, or any dance hall, skating rink, theater, motion picture theater, auditorium, school, or any other place of public assemblage used, or intended for use, as a place of amusement, entertainment, instruction, display, or exhibition, unless all drapes, hangings, curtains, drops and all other similar decorative materials that would tend to increase the fire or panic hazard, are made from a nonflammable material, or are treated and maintained in a flame-retardant condition as defined in Section 13115. The provisions of this section shall not apply to portions of the premises which are not a part of and are not directly connected with that portion of the premises used for any of the above purposes.

(Added by Stats. 1947, Ch. 1549.)

13120. The State Fire Marshal shall establish minimum standard requirements, and shall adopt such rules and regulations as are deemed necessary by him to properly regulate the manufacture, sale and application of flame-retardant chemicals and the sale of flame-retardant treated fabrics or materials used or intended for use in connection with any occupancy mentioned in Sections 13115 and 13119.

(Added by Stats. 1947, Ch. 1549.)

13121. The State Fire Marshal shall, before approving any flame-retardant chemical, fabric or material, require that such flame-retardant chemicals and flame-retardant fabrics or materials be submitted to a laboratory approved by him for test in accordance with the standards established pursuant to Section 13120.

(Added by Stats. 1947, Ch. 1549.)

13122. The State Fire Marshal shall promulgate and make available at cost of printing at least once each year a list of the flame-retardant chemicals, flame-retardant fabrics or materials, and flame-retardant application concerns approved by him. He may, without cost, furnish a single copy of such list to each flame-retardant chemical and application concern that is registered and approved by him and to all California fire officials.

(Added by Stats. 1947, Ch. 1549; amended by Stats. 1951, Ch. 1290.)

13123. The State Fire Marshal shall remove from his approved list the name of any flame-retardant chemicals, flame-retardant fabric or material or any flame-retardant application concern where he finds after a hearing that any of the following causes exists:

(a) Selling or offering for sale a flame-retardant chemical or a flame-retardant material that is inferior to that submitted for test and approval.

(b) Distributing or disseminating or causing to be distributed or disseminated, misleading or false information with respect to any flame-retardant chemical, fabric or material.

(c) Changing the flame-retardant chemical formula or methods of flame-retardant treatment without first notifying the State Fire Marshal of such change and obtaining approval of same.

(d) Using other than chemicals shown on the State Fire Marshal's approved list.

(e) Using chemicals for the treatment of materials for which they have not been approved.

(f) Failure to adequately and properly treat a fabric or material to make it fire-resistant to the extent that it will successfully pass the fire-resistant tests established by the State Fire Marshal.

(g) Violating any minimum standard or any rule or regulation adopted pursuant to Section 13120.

The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Fire Marshal shall have all the powers granted therein. Pending hearing and decision the State Fire Marshal may temporarily remove any name from his approved list for a period not to exceed 30 days, if he finds that such action is required in the public interest. In any such case the order of temporary removal shall be effective upon notice to the persons affected thereby, and a hearing shall be held and a decision issued within 30 days after such notice.

(Added by Stats. 1947, Ch. 1549.)

13124. The name of any chemical, chemical concern or flame-retardant application concern whose name has been removed from the approved list shall not again be restored to the approved list for a period of 90 days from the date of such removal.

(Added by Stats. 1947, Ch. 1549.)

13125. The name of any chemical, chemical concern or flame-retardant application concern shall not be restored to the approved list until a new application, accompanied by a new registration fee, has been filed with the State Fire Marshal.

(Added by Stats. 1947, Ch. 1549.)

13126. With the advice of the State Fire Advisory Board, the State Fire Marshal shall prepare and adopt rules and regulations establishing minimum standards and specific procedures for the approval of flame-retardant chemicals, flame-retardant materials and flame-retardant applicator concerns whose names are to appear on the approved list.

(Added by Stats. 1947, Ch. 1549.)

13127. Any chemical manufacturing concern, or any flame-retardant application concern, or any concern marketing a flame-retardant fabric or material who desires to have their name appear on the approved list shall first make application to the State Fire Marshal on forms provided by him. Such applications shall be accompanied by the registration fee as follows:

(a) The original and annual renewal registration fee for approval and listing of one flame-retardant chemical for an individual concern shall be one hundred fifty dollars (\$150). The original and annual renewal fee for each additional flame-retardant chemical approved and listed for an individual concern shall be thirty dollars (\$30.)

(b) The original and annual renewal registration fee for approval and listing of one flame-retardant fabric or material for an individual concern shall be one hundred fifty dollars (\$150). The original and annual renewal registration fee for each additional flame-retardant fabric or material approved and listed for an individual concern shall be thirty dollars (\$30).

(c) The original and annual renewal registration fee for a flame-retardant application concern shall be fifty dollars (\$50).

(Added by Stats. 1947, Ch. 1549.)

13128. The annual and renewal registration fee shall be for the fiscal year period from July 1st to June 30th or for the remaining portion thereof.

(Added by Stats. 1947, Ch. 1549.)

13129. The State Fire Marshal shall remove from the approved list the names of all chemicals, chemically treated fabrics or materials and the names of all flame-retardant applicator concerns who have not paid their renewal registration fee prior to August 1st of each year.

(Added by Stats. 1947, Ch. 1549.)

13130. All money collected pursuant to this chapter shall be deposited in the General Fund.

(Added by Stats. 1947, Ch. 1549.)

Article 2. The State Fire Advisory Board

(Article 2 added by Stats. 1945, Ch. 1173)

13140. There is hereby created in the office of the State Fire Marshal a State Fire Advisory Board of eleven, who shall act in an advisory capacity to the State Fire Marshal in establishing minimum standards for the protection of life and property against fire and panic and for the coordination of activities in the State Fire Marshal's office with those of local governmental agencies.

(Added by Stats. 1945, Ch. 1173.)

13140.5. No person shall be appointed to or retain membership on the board who is not a regular member of a regularly organized governmental fire department or agency.

(Added by Stats. 1945, Ch. 1173.)

13140.6. A quorum of the board shall consist of not less than six regular members of the board.

(Added by Stats. 1945, Ch. 1173.)

13140.7. The State Fire Marshal shall act as chairman of the board.

(Added by Stats. 1945, Ch. 1173.)

13141. The board shall meet at the call of the State Fire Marshal and shall be paid actual and necessary traveling expenses.

(Added by Stats. 1945, Ch. 1173.)

13141.1. All meetings of the board shall be open and public.

(Added by Stats. 1957, Ch. 2221.)

13141.2. All records of the board shall be open to inspection by the public during regular office hours.

(Added by Stats. 1957, Ch. 2221.)

13142. The members of the State Fire Advisory Board shall be appointed by the Governor with the advice and consent of the Senate and serve at the pleasure of the Governor.

(Added by Stats. 1945, Ch. 1173.)

13143. The State Fire Marshal, with the advice of the State Fire Advisory Board, shall prepare and adopt rules and regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, sanitarium, home for aged, children's nursery, children's home or institution, school, or any similar occupancy of any capacity, and in any theater, dance hall, skating rink, auditorium, assembly hall, meeting hall, night club, fair building, or similar place of assemblage where fifty (50) or more persons may gather together in a building, room or structure for the purpose of amusement, entertainment, instruction or education. Rules and regulations

adopted pursuant to this section shall establish minimum standards relating to the means of egress and the adequacy of exits from, the installation and maintenance of fire extinguishing and fire alarm systems in, the storage and handling of combustible or explosive materials or substances, and the installation and maintenance of appliances, equipment, decorations, and furnishings that present a fire, explosion or panic hazard, and such minimum standards shall be predicated on the height and fire resistive qualities of the building or structure and the type of occupancy for which it is to be used. The rules and regulations shall apply to auxiliary or accessory buildings used or intended for use with any of the occupancies mentioned in this section. Violation of any rule or regulation shall be deemed to be in violation of this chapter.

In preparing and adopting rules and regulations affecting public schools, the State Fire Marshal shall also secure the advice of the Department of Education. No rule or regulation adopted by the State Fire Marshal shall conflict with any rule, regulation, or standard lawfully adopted by the Division of Architecture of the Department of Public Works under Article 3 of Chapter 3 of Division 9 of the Education Code.

(Added by Stats. 1945, Ch. 1173; amended by Stats. 1949, Ch. 1403.)

13143.5. The rules and regulations adopted by the State Fire Marshal pursuant to Section 13143 regarding any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, sanitarium, home for the aged, or children's home or institution shall apply uniformly throughout the State of California and no state agency, city, city and county, county, or other political subdivision of this State, including, but not limited to, a chartered city, city and county, or county, shall adopt any ordinance or regulation which is less restrictive than the rules and regulations adopted by the State Fire Marshal pursuant to Section 13143.

(Added by Stats. 1961, Ch. 1357.)

13144. The State Fire Marshal shall prepare in book or bulletin form excerpts of the laws, rules, and regulations dealing with fire and panic safety and may make single copies of such laws, rules, and regulations available, without cost, to California fire officials and to owners and managers of establishments governed by such laws, rules, and regulations.

(Added by Stats. 1945, Ch. 1173; amended by Stats. 1951, Ch. 1290.)

13144.1. The State Fire Marshal shall prepare and publish in looseleaf form lists of construction materials and equipment and methods of construction and of installation of equipment, together with the name of any person, firm, corporation, association, or similar organization listed as the manufacturer, representative, or supplier, which are in conformity with fire and panic safety standards provided by Title 19 of the California Administrative Code. The State Fire Marshal shall

periodically prepare and publish in looseleaf form revisions to this list.

Copies of such lists or revisions shall be distributed at the cost of printing by the State Fire Marshal to persons who have filed written requests for such approved lists or revisions.

It shall not be construed that because a material, assemblies of materials, method of construction and installation of equipment has not been listed, as permitted by this section, that such a material, assemblies of materials, method of construction and installation of equipment does not conform to the fire and panic safety standards provided by Title 19 of the California Administrative Code.

(Added by Stats. 1959, Ch. 1634; amended by Stats. 1963, Ch. 1955.)

13144.2. Any person, firm, corporation, association, or similar organization desiring listing pursuant to Section 13144.1 shall first make application to the State Fire Marshal on forms provided by him. Such applications shall be accompanied by the listing fee as follows:

(a) Except as provided in subdivisions (b) and (c), the original and annual renewal fee for the listing of a material, equipment, method of construction, or method of installation of equipment for any person, firm, corporation, association, or similar organization shall be fifty dollars (\$50). The original and annual renewal fee for the next four additional materials, equipment, methods of construction or of installation of equipment shall be twenty-five dollars (\$25) for each listing. The original and annual renewal fee for additional materials, equipment, methods of construction, or method of installation of equipment shall be ten dollars (\$10) for each listing in excess of five listings.

(b) The original and annual renewal fee for the listing of one series of fire alarm control units for any person, firm, corporation, association or similar organization shall be twenty-five dollars (\$25). The original and annual renewal fee for each additional series of fire alarm control units for any person, firm, corporation, association, or similar organization shall be ten dollars (\$10).

(c) The original and annual renewal fee for the listing of one series of fire alarm devices, annunciators, bells, boxes, detectors (flame, heat, particles of combustion, radiation, smoke or similar types) horns, sirens, whistles or similar devices for any person, firm, corporation, association, or similar organization shall be ten dollars (\$10). The original and annual renewal fee for the listing of additional series of fire alarm devices for any person, firm, corporation, association, or similar organization shall be five dollars (\$5).

The State Fire Marshal may list in generic terms without a listing fee materials or assemblies of materials classed by him as industrywide and conforming to standards established by the regulations adopted pursuant to Sections 13108 and 13143.

He may list without a listing fee methods of construction and of installation of equipment classed by him as industrywide in application and use.

(Added by Stats. 1963, Ch. 1955.)

13144.3. The annual and renewal listing established by Section 13144.2 shall be for the fiscal year period from July 1st to June 30th or for the remaining portion thereof. All moneys collected from original and annual renewal fees pursuant to Section 13144.2 shall be deposited in the General Fund.

(Added by Stats. 1963, Ch. 1955.)

13144.4. The State Fire Marshal may adopt regulations to implement, interpret, make specific or otherwise carry out the provisions of Sections 13144.1, 13144.2, and 13144.3.

(Added by Stats. 1963, Ch. 1955.)

13145. The State Fire Marshal, the chief of any city or county fire department or fire protection district and their authorized representatives may, and in counties with a population over 220,000, shall enforce in their respective areas, rules and regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

(Added by Stats. 1945, Ch. 1173; amended by Stats. 1959, Ch. 1891.)

13146. The division of authority for enforcement of such rules and regulations shall be as follows:

(a) The chief of any city or county fire department or fire protection district, and their authorized representatives, shall enforce the rules and regulations in their respective areas.

(b) The State Fire Marshal shall have authority to enforce the rules and regulations in areas outside of corporate cities and county fire protection districts.

(c) The State Fire Marshal shall have authority to enforce the rules and regulations in corporate cities and county fire protection districts upon request of the chief fire official or the governing body.

(Added by Stats. 1945, Ch. 1173; amended by Stats. 1959, Ch. 1891.)

13146.3. The chief of any city or county fire department or fire protection district and his authorized representatives may, and in counties with a population over 220,000, shall inspect every building used as a public or private school within his jurisdiction, for the purpose of enforcing such rules and regulations, not less than once each year. The State Fire Marshal and his authorized representatives shall make such inspections not less than once each year in areas outside of corporate cities and county fire protection districts.

(Added by Stats. 1959, Ch. 1891.)

13146.5. The provisions of Sections 13145, 13146 and 13146.3 shall, so far as practicable, be carried out at the local level by persons who are regular full-time members of a regu-

larly organized fire department of a city, county, or fire protection district, and shall not be carried out by other persons pursuant to Section 34004 of the Government Code.

(Added by Stats. 1959, Ch. 1891.)

Article 3. Fire Extinguishers

(Article 3 added by Stats. 1961, Ch. 1207)

13160. With the advice of the State Fire Advisory Board, the State Fire Marshal shall adopt, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, and administer such regulations and standards as he may deem necessary for the protection and preservation of life and property to control the servicing, including charging, repair and testing, of all portable fire extinguishers for controlling and extinguishing fires, and for controlling the sale and marketing of all such devices with respect to conformance with standards of their use, capacity, and effectiveness. In adopting such regulations, the State Fire Marshal shall consider as evidence of generally accepted safety standards the Fire Code of the National Fire Protection Association.

(Added by Stats. 1961, Ch. 1207; amended by Stats. 1963, Ch. 102 and Ch. 1371.)

13161. It is the legislative intention in enacting this article that the provisions of this article and the regulations and standards adopted by the State Fire Marshal pursuant to this article shall apply uniformly throughout the State of California and no county, city, or district shall adopt or enforce any ordinance or rule or regulation regarding portable fire extinguishers which is inconsistent with the provisions of this article or the regulations and standards adopted by the State Fire Marshal pursuant to this article.

(Added by Stats. 1961, Ch. 1207; amended by Stats. 1963, Ch. 1371.)

13161.5. No portable fire extinguisher shall be marketed, distributed, or sold in this State unless all of the following requirements are met:

(a) It complies with the regulations and standards adopted by the State Fire Marshal pursuant to Section 13160.

(b) It bears the seal of approval of the Underwriters Laboratory, Factory Mutual Laboratory, or other testing laboratory which is approved by the State Fire Marshal as qualified to test portable fire extinguishers.

(c) Complete instructions regarding the types of fires which the portable fire extinguisher is designed to control and proper cautions regarding its use and care are firmly attached to it.

(Added by Stats. 1963, Ch. 1371.)

13162. The State Fire Marshal shall be responsible for the issuance and renewal of annual licenses and certificates of registration for those natural persons, firms, corporations, and associations, that engage in the business of servicing, charging,

testing, or repairing portable fire extinguishers, or who do so for a fee.

(Added by Stats. 1961, Ch. 1207; amended by Stats. 1963, Ch. 384 and Ch. 1371.)

13163. Any natural person, firm, corporation, or association that desires to engage in the business of servicing, charging, testing, or repairing of portable fire extinguishers, or to do so for a fee, shall first make a written verified application for a license for each separate location of such natural person, firm, corporation, or association to the State Fire Marshal on forms provided by him. Any employee of any of the foregoing that wishes to engage in the acts subject to this article shall first make a written application for a certificate of registration to the State Fire Marshal on forms provided by him. Such application shall be accompanied by a fee as prescribed in this article.

The application for a license or certificate of registration shall be signed by the applicant. If application is made by a partnership, it shall be signed by each partner of the partnership, and if application is made by a corporation or association other than a partnership, it shall be signed by an officer of the corporation and bear the seal of the corporation.

Application for renewal of a license or certificate of registration shall be made annually by every natural person, firm, corporation, or association holding an existing license or certificate of registration and accompanied by the annual fee as prescribed in this article.

If the State Fire Marshal finds, after reviewing the applicant's record, that the granting or renewing of such license or certificate of registration would not be contrary to the public safety or welfare, he shall issue or renew a license or certificate of registration authorizing the applicant to engage in the acts subject to this article upon the payment of the fee specified in Section 13164.

The authorization to engage in the particular act or acts conferred by license to any natural person, firm, corporation, or association shall extend to those employees of the licensee holding a valid certificate of registration issued by the State Fire Marshal.

(Added by Stats. 1961, Ch. 1207; amended by Stats. 1963, Ch. 384 and Ch. 1371.)

13163.5. Any portable fire extinguisher that is required by any governmental statute or ordinance to undergo periodic servicing, charging, testing, or repair, shall be recharged, serviced, tested, or repaired only by a qualified natural person, firm, corporation, or association that is a holder of a valid state license issued in accordance with the provisions of this article or by a person not engaged in the business of servicing, charging, testing, or repairing portable fire extinguishers and who has been approved by the local fire authority as being qualified to perform such acts; provided, however, that an exclusion from the above requirements of this section may be obtained

from the State Fire Marshal by any of the above not engaged in the business of servicing, charging, testing or repairing portable fire extinguishers.

Any firm or corporation not engaged in the business of servicing, charging, testing or repairing portable fire extinguishers and that maintains its own fully equipped and specially staffed fire prevention and protection department is exempt from the provisions of this article.

Any state licensee that services, charges, tests, or repairs any portable fire extinguisher, shall affix a tag to the serviced unit that indicates the date upon which the service work was performed and that also bears the name and license or certificate of registration number of the natural person who actually serviced, charged, tested, or repaired the unit.

(Added by Stats. 1963, Ch. 1371.)

13164. The original and annual renewal fee for any license or a certificate of registration issued pursuant to this article shall be as follows:

- | | |
|--|------|
| (a) Any certificate of registration----- | \$5 |
| (b) Any natural person, corporation, firm or association which services, recharges or inspects fire extinguishers ----- | \$35 |
| (c) Any natural person, corporation, firm or association which does hydrostatic testing of wet chemicals or of non-Interstate Commerce Commission-listed dry chemical cylinders----- | \$10 |
| (d) Any natural person, corporation, firm or association which does hydrostatic testing of Interstate Commerce Commission-listed cylinders----- | \$35 |

Beginning January 1, 1964, the original and annual renewal license or a certificate of registration fee for any license shall be for the calendar year from January 1 to December 31, or for the remaining portion thereof.

A penalty fee equal to 50 percent of the required annual renewal license or certificate of registration fee shall be added to such fee in all cases where the fee for a renewal is not paid on or before March 1.

(Added by Stats. 1961, Ch. 1207; amended by Stats. 1962, Ch. 8, and by Stats. 1963, Ch. 1371.)

NOTE: Section 13164, as amended by Stats. 1962, Ch. 8, effective from July 3, 1962 until September 20, 1963, reads as follows:

13164. The original and annual renewal fee for any license for retail sales only issued pursuant to this article shall be one dollar (\$1) and for all other activities shall be thirty-five dollars (\$35).

Beginning January 1, 1962, the original and annual license fee for any license shall be for the calendar year from January 1 to December 31, or for the remaining portion thereof.

A penalty fee equal to 50 percent of the required original and annual renewal license fee shall be added to such fee in all cases where the fee for a renewal of a license is not paid on or before April 1.

13164.5. No special fee other than that charged for an ordinary business license shall be charged any natural person,

corporation, firm, or association, by any city, county, or fire protection district, for the privilege of performing acts involving servicing, charging, testing or repairing of portable fire extinguishers.

(Added by Stats. 1963, Ch. 1371.)

13165. The State Fire Marshal shall require applicants for an original certificate of registration pursuant to this article to take and to pass a written examination, which may be supplemented by practical tests when deemed necessary, to determine the applicant's knowledge of servicing, charging, testing, and repairing of portable fire extinguishers.

A written report of the State Fire Marshal, the chief fire official of any local fire authority, or their authorized representatives, disclosing that the applicant for a license or a certificate of registration or for a renewal thereof does not meet the qualifications or conditions for a license or a certificate of registration shall constitute grounds for the denial of any application for any of the foregoing.

(Added by Stats. 1961, Ch. 1207; amended by Stats. 1963, Ch. 1371.)

13165.5. Any firm, corporation, or association engaged in the business of servicing, charging, testing, or repairing portable fire extinguishers, shall report the name, address, and number of the state license or a certificate of registration issued pursuant to this article of any and all employees, agents, servants, or lessees performing acts subject to the provision of this article on behalf of such firm, corporation, or association, to the State Fire Marshal's office annually on forms provided by that office.

The State Fire Marshal's office shall maintain a record of the number of convictions for violations of this article of the employees, agents, servants, or lessees of each licensed firm, corporation, or association subject hereto, and shall make an annual report to the State Fire Advisory Board of such convictions.

(Added by Stats. 1963, Ch. 1371.)

13166. Any license or certificate of registration issued pursuant to this article may be suspended or revoked by the State Fire Marshal pursuant to Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code for any one, or a combination thereof, of the following reasons:

(a) A licensee has failed to pay the original or annual renewal license or certification fee provided in this article.

(b) The licensee or certificate holder has violated any provisions of this article or any rule or regulations made by the State Fire Marshal under and with the authority of this article.

(c) The licensee or certificate holder is operating without due concern and regard for the health and safety of the people of this State.

(d) The licensee or certificate holder has been convicted of three separate misdemeanors under the provisions of this article.

(e) Material misrepresentation or false statements by a licensee or certificate holder.

(Added by Stats. 1961, Ch. 1207; amended by Stats. 1963, Ch. 384 and Ch. 1371.)

13167. Except where a shorter time for setting the hearing is prescribed in this article, all hearings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code and in all cases the State Fire Marshal shall have all the powers granted therein.

(Added by Stats. 1961, Ch. 1207.)

13168. The State Fire Marshal shall annually notify the chief fire official of each local fire authority of the name and address and license number of each natural person, corporation, firm, or association that is licensed pursuant to this article and of any change of the name or address of any such natural person, corporation, firm, or association.

Upon request, the State Fire Marshal shall, without cost, furnish a single copy of such list to each natural person, firm, corporation, or association licensed by him and to all California fire officials.

(Added by Stats. 1961, Ch. 1207; amended by Stats. 1963, Ch. 1371.)

13168.5. The provisions of this article and the rules and regulations promulgated hereunder shall be enforced in every area of this State by the chief fire official of the appropriate local fire authority having jurisdiction in that area, or in the event no such authority exists then the State Fire Marshal.

The chief fire official of every local fire authority shall report to the State Fire Marshal's office all citations and prosecutions for violations of the provisions of this article and shall so report the ultimate disposition thereof.

(Added by Stats. 1963, Ch. 1371.)

13169. Every person who violates any regulation adopted by the State Fire Marshal pursuant to this article is guilty of a misdemeanor punishable as prescribed in Section 13112 of this code.

(Added by Stats. 1961, Ch. 1207.)

CHAPTER 2. CLOTHES CLEANING ESTABLISHMENTS

Article 1. Definitions

13201. Unless the context otherwise requires, the definitions set forth in this article govern the construction of this chapter.

13202. "Volatile and inflammable product" and "solvent" mean any liquid, viscous, powdered, solid, or other form of product or substance having the capacity to evaporate and, during evaporation, to generate and emit a gas or vapor propagative of flame, fire, or explosion.

13203. "Volatile, commercially moisture-free solvent" means either of the following:

(a) Any commercially moisture-free liquid, volatile product or substance having the capacity to evaporate and, during evaporation, to generate and emit a gas or vapor.

(b) Any solvent commonly known to the clothes cleaning industry as a "chlorinated hydrocarbon solvent."

(Amended by Stats. 1941, Ch. 571.)

13203.1. "140-F solvent" shall mean a volatile and commercially moisture-free solvent meeting the following minimum specifications and which is listed as such by a nationally recognized laboratory:

Flash point-----Not less than 59.00 degrees Centigrade or (Tag closed tester) 138.2 degrees Fahrenheit

Initial boiling point--Not lower than 181 degrees Centigrade or 357.8 degrees Fahrenheit

Ignition temperature--Not less than 234 degrees Centigrade or 453.2 degrees Fahrenheit

Lower limit of

explosive range-----Not less than 0.8 percent by volume in air at an initial temperature of 150 degrees Centigrade or 302.0 degrees Fahrenheit

(Added by Stats. 1949, Ch. 1051.)

13204. "Cleaning" and "dry cleaning" mean the process of cleaning or renovating wearing apparel, feathers, furs, hats, fabrics, or textiles by immersion and agitation, immersion only, or by a dipping or spraying process, in a volatile, commercially moisture-free solvent, or by the use of a volatile and inflammable product, or a commercially moisture-free solvent of the chlorinated hydrocarbon type, applied either manually or by means of a mechanical appliance or device.

"Spraying" as used in this section shall not apply to any spotting process.

(Amended by Stats. 1953, Ch. 454.)

13204.1. "140-F dry cleaning process" shall mean a dry cleaning process employing a complete dry cleaning unit or units that are approved and listed for safe operation with an approved commercially moisture-free solvent having a flash point (closed cup test) of not less than 138.2 degrees Fahrenheit by a laboratory nationally recognized as properly equipped to make the designation.

(Added by Stats. 1949, Ch. 1051.)

13205. "Dyeing" means the process of coloring wearing apparel, feathers, furs, hats, fabrics, or textiles by the use of aniline dyes, mordants, acid, and steam.

13206. "Clothes cleaning establishment," "cleaning and dyeing establishment," and "establishment" mean any building, room, or premises equipped to perform the service of cleaning, dry-cleaning, processes incidental to cleaning or dry-cleaning, or dyeing.

13207. "Wash room" means any building or room used for any one, or any combination, of the following purposes:

(a) Cleaning.

(b) Dyeing.

(c) Removing or extracting any volatile, commercially moisture-free solvent from wearing apparel, feathers, furs, hats, fabrics, or textiles that have been cleaned in such solvent.

(d) Clarifying, filtering, distilling, purifying, washing, or cleaning a volatile, commercially moisture-free solvent or volatile and inflammable product.

13208. "Dust wheel" or "tumbler" means any wheel or machinery suitable for drying, deodorizing, or removing dust or fumes from wearing apparel, feathers, furs, hats, fabrics, or textiles.

13209. "Drying and deodorizing room" means any building or room containing one or more dust wheels, tumblers, or metallic drying cabinets in which wearing apparel, feathers, furs, hats, fabrics, or textiles that have been subjected to a cleaning or dyeing process are dried or deodorized.

13210. "Drying room" means any building or room containing steam pipes in which wearing apparel, feathers, furs, hats, fabrics, or textiles that have been subjected to a cleaning or dyeing process are dried.

13211. "Solvent treatment room" means any building or room used exclusively for clarifying, filtering, distilling, redistilling, settling, washing, or otherwise cleaning or renovating any volatile and inflammable product or volatile, commercially moisture-free solvent.

13212. "Store room" means any building or room in which any volatile and inflammable product or solvent is kept or stored.

13213. "Motor room" means any building or room in which a motor is installed and operated.

13214. "Spotting and sponging room" means any building or room used exclusively for cleaning by local application, other than by a process of scrubbing or brushing in which more than one gallon of a volatile and inflammable solvent is employed.

13215. "Boiler room" means any building or room in which is maintained, kept, or operated any appliance, machin-

ery, or apparatus for the generation of steam or the heating of water, having a capacity of eight horsepower or more in any one unit according to the American Society of Mechanical Engineers' or other standard rating.

(Amended by Stats. 1939, Ch. 634, and by Stats. 1941, Ch. 569.)

13216. "Hazardous room" means any of the following:

- (a) Wash room.
- (b) Drying and deodorizing room.
- (c) Drying room.
- (d) Solvent treatment room.
- (e) Store room.
- (f) Motor room.
- (g) Spotting and sponging room.

(Amended by Stats. 1949, Ch. 1051.)

13217. "Hazardous building" means any building containing one or more hazardous rooms.

13218. "Approved" means approved by the State Fire Marshal.

13219. "Operate" and any of its variants includes "conduct" and "maintain" and any of their variants.

Article 2. Administration

13250. The State Fire Marshal shall enforce and administer this chapter.

(Amended by Stats. 1949, Ch. 1051.)

13251. The State Fire Marshal shall appoint, in accordance with the State civil service laws, such employees as may be necessary and required to carry out the provisions of this chapter.

13252. The State Fire Marshal may prescribe such rules and regulations governing the construction, equipment, and operation of clothes cleaning establishments as may be necessary for the protection of life and property against fire menace, and for the promotion of the occupational security of the operators in the establishments.

As used in this section, "occupational security" means an operating condition which is as free as is industrially practicable from any agency that might contribute to bodily injury or impairment.

13253. The State Fire Marshal shall abate every fire nuisance in a clothes cleaning establishment pending a hearing before him thereon. The cost of an abatement is assessable against the owner of the establishment in which the nuisance abated was maintained.

As used in this section, "fire nuisance" means any thing or any act which increases, or may cause an increase of, the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of an

obstruction, a delay, or a hindrance to, the prevention, suppression, or extinguishment of fire.

13254. For the purpose of enforcing this chapter, the State Fire Marshal or his representatives may enter and inspect any clothes cleaning establishment during customary business hours, or at any time when the establishment is in operation. The owner, lessee, manager, or operator of the establishment shall permit the State Fire Marshal or his representatives to enter and inspect it at the times and for the purpose stated in this section.

Article 3. Permits

(Heading amended by Stats. 1949, Ch. 1051)

13300. Unless he has made application to and obtained a permit therefor from the State Fire Marshal, no person shall do any of the following:

(a) Establish or operate a clothes cleaning establishment.
(b) Alter or reconstruct any building, machinery, equipment, or apparatus in an existing clothes cleaning establishment.

(c) Cleanse wearing apparel, feathers, furs, hats, fabrics, or textiles by means of a cleaning process.

(d) Keep or store any volatile and inflammable product in any building or room in which a cleaning process is performed.

(Amended by Stats. 1949, Ch. 1051.)

13301. An application for a permit shall be made at the office of the State Fire Marshal.

(Amended by Stats. 1949, Ch. 1051.)

13302. Every person who applies for a permit to establish or operate a clothes cleaning establishment, or for a permit to alter or reconstruct an existing clothes cleaning establishment, in which will be or is used a volatile, commercially moisture-free solvent of the petroleum or coal tar distillate type, shall submit for approval a blueprint in quadruplicate to the State Fire Marshal at the time of application.

(Amended by Stats. 1949, Ch. 1051.)

13303. The blueprint, which shall not be greater than 24 by 42 inches in size, shall show a plot plan, made to a scale of one-eighth of an inch to one foot, indicating:

(a) The boundary lines and dimensions of the property devoted or to be devoted to the establishment.

(b) Each street, alley, or easement adjacent to the property, together with its name and width.

(c) The position of each existing or proposed building or structure on the property in relation to the lines of each adjacent street, alley, or easement, with all dimensions indicated.

(d) The materials used or to be used in the construction of each existing or proposed building on the property, and used in the construction of each existing building on adjacent property.

(e) The wall sections and openings in each existing or proposed building on the property, and in each existing building on adjacent property.

(f) The location, size, and materials used or to be used in the construction of the boiler room, and the type and horsepower of the boiler.

13304. The blueprint shall also show a three-eighths or one-half inch scale detail plan of each hazardous building and room, indicating:

(a) All major dimensions, including heights.

(b) The sections and materials used in the construction of each wall, partition, roof, and floor.

(c) The location and size of each door, window, and skylight opening.

(d) The location of each wall vent and riser duct, and the arrangement of the ventilating system.

(e) The run of all steam or other fixed fire extinguishing equipment, including the location of each outlet and control valve.

(f) The arrangement of each operating apparatus and appliance, and the location of each motor.

13305. Every person who applies for a permit to establish or operate a clothes cleaning establishment, or for a permit to alter or reconstruct an existing clothes cleaning establishment, in which will be or is employed a volatile, commercially moisture-free solvent of the chlorinated hydrocarbon type, shall submit for approval a blueprint in quadruplicate to the State Fire Marshal at the time of application.

(Amended by Stats. 1949, Ch. 1051.)

13306. The blueprint, which shall not be greater than 24 by 42 inches in size, shall show:

(a) A plot plan, made to a scale of not less than one-sixteenth of an inch to one foot, indicating any room or compartment to be used for cleaning, drying, and deodorizing in its relation to the boundary lines of the property on which the establishment is located, and its situation within any structure on the property.

(b) A three-eighths or one-half inch scale drawing of the room or compartment, indicating its plan, elevations, and detail of construction.

13307. An agent who has been authorized in writing for the purpose may submit a blueprint in behalf of any person of whom it is required. In such case, the agent shall file his written authorization at the same time.

13308. No permit shall be granted to any person unless the arrangement, materials, and construction shown on any blueprint required of, and submitted by, him have been approved by the State Fire Marshal.

(Amended by Stats. 1949, Ch. 1051.)

13309. The approval of any blueprint shall become automatically null and void if any construction it authorizes is commenced subsequent to the expiration of 60 days from and after the date on which it is given, except when competent reasons for delaying the construction are presented to the State Fire Marshal in writing within that period.

13310. No person shall make any change in the execution of an approved blueprint design without the approval of the State Fire Marshal.

13311. Before he grants any certificate of completion, the State Fire Marshal shall make a thorough investigation into the fitness of the applicant to conduct a clothes cleaning establishment.

(Amended by Stats. 1949, Ch. 1051.)

13312. The State Fire Marshal may refuse to grant a certificate of completion for any of the following causes:

(a) If any blueprint required of the applicant does not comply with the provisions of this article.

(b) If his investigation reveals that the building, room, or premises in or upon which the applicant proposes to operate a clothes cleaning establishment, the character of the applicant, or the applicant's ability to operate a clothes cleaning establishment, does not comply with the provisions of this chapter, or is such as will jeopardize, or will render the proposed establishment a menace to, the public welfare or safety.

(Amended by Stats. 1949, Ch. 1051.)

13313. (Repealed by Stats. 1945, Ch. 1517.)

13314. (Amended by Stats. 1941, Ch. 570; repealed by Stats. 1945, Ch. 1517.)

13314.5. (Added by Stats. 1941, Ch. 570; repealed by Stats. 1945, Ch. 1517.)

13315. (Repealed by Stats. 1945, Ch. 1517.)

13316. (Amended by Stats. 1945, Ch. 1173; repealed by Stats. 1945, Ch. 1517.)

13317. (Repealed by Stats. 1945, Ch. 1517.)

13318. (Repealed by Stats. 1945, Ch. 1517.)

13319. (Repealed by Stats. 1945, Ch. 1517.)

13320. (Amended by Stats. 1945, Ch. 880; repealed by Stats. 1945, Ch. 1517.)

13321. (Repealed by Stats. 1945, Ch. 880 and Ch. 1517.)

13322. (Repealed by Stats. 1945, Ch. 880 and Ch. 1517.)

13323. (Repealed by Stats. 1945, Ch. 880 and Ch. 1517.)

13324. (Repealed by Stats. 1945, Ch. 880 and Ch. 1517.)

Article 4. Buildings, Equipment, and Operation

13350. No person shall establish or operate a clothes cleaning establishment, except one in which is used exclusively in the process of cleaning or dyeing a product designated as non-combustible and nonexplosive by a laboratory nationally recognized as properly equipped to make the designation, unless all the processes of cleaning, dyeing, renovating, drying, deodoriz-

ing, and solvent storage, and treatment are carried on in a hazardous building located, constructed, equipped, and maintained pursuant to this article. Provided, however, that dry cleaning machinery approved and listed by a laboratory nationally recognized as properly equipped to make the designation, and utilizing an approved solvent with a flash point of not less than 138.2 degrees F., may be installed in accordance with the provisions of Article 5 when the total capacity of above-ground inside solvent storage tanks, including solvent treatment tanks, does not exceed five hundred fifty gallons, the individual capacity of any one such container does not exceed two hundred seventy-five gallons, and the total operating solvent capacity of the system, excluding storage tanks, does not exceed five hundred fifty gallons. Where storage capacity, in excess of the above quantity is desired, that in excess of five hundred fifty gallons shall be in containers approved by the Fire Marshal, installed underground or in enclosures or casing approved by the Fire Marshal.

(Amended by Stats. 1941, Ch. 320, and by Stats. 1949, Ch. 1051.)

13351. A hazardous building may contain any combination of hazardous rooms.

13352. The exterior wall of a hazardous building shall be located in accordance with the following provisions:

(a) Walls having no openings therein may be located on property lines and without set back from buildings on the same property.

(b) Walls having door or window openings therein shall be located not less than 12 feet from any property line of the lot or premises upon which it is constructed and not less than 12 feet from any building or structure except as provided in subdivision (c) of this section.

(c) Walls having protected door openings, but no window openings, may be located less than 12 feet from buildings or structures of noncombustible or one-hour fire-resistive construction on the same lot or premises provided that an open or approved heat-activated vent having a horizontal area of not less than 16 square feet is provided above each hazardous building door opening. Such vent location and construction shall be subject to approval by the State Fire Marshal.

(Amended by Stats. 1945, Ch. 958, and by Stats. 1955, Ch. 1252; repealed and added by Stats. 1957, Ch. 1518. In effect July 6, 1957.)

13353. A hazardous building may be located less than 12 feet from any boundary line of, or any other building or structure on, the lot or premises of any establishment which was in existence prior to August 2, 1927, if the establishment meets, or is made to meet, the requirements of this chapter.

13354. Where a boundary line is identical with a line of a street, alley, or irrevocable easement which is less than 12 feet in width, a hazardous building may be located nearer

than 12 feet from that line, but not nearer than 12 feet from the opposite or remote line of the street, alley, or irrevocable easement, except that this section shall not apply to the wall of a hazardous building having no door or window openings therein.

(Amended by Stats. 1955, Ch. 1252.)

13355. Where a boundary line is identical with a line of a street, alley, or irrevocable easement which is 12 feet or more in width, a hazardous building may be located on that line.

13356. In the case of a clothes cleaning establishment in existence and operated prior to August 27, 1937, distilling apparatus having a capacity of not more than 300 gallons per hour may be installed and housed in an approved location and manner within a building or room which is nearer than 12 feet from any boundary line or from any other building or structure, but which in other respects complies with the provisions of this article relative to the construction and equipment of hazardous buildings.

13357. A hazardous building shall be constructed in accordance with the best practice. An observance of the following requirements shall be considered prima facie evidence of compliance with the best practice:

(a) The requirements as to structural design, materials, and workmanship in the latest amended form of the uniform building code prepared by the Pacific Coast Building Officials Conference.

(b) The requirements of this article as to design, structural or other detail, or employment of materials, if such requirements vary from and are more rigid than those of the uniform building code.

(c) The requirements of any State law or regulation, or of any building code or ordinance of a municipality or other political division in which the building is to be located, if such requirements are more rigid than those of this article or of the uniform building code.

13358. A hazardous building shall not exceed one story in height, unless it was in existence and in operative use prior to August 2, 1927, and has been in continuous operative use since that date, in which case it shall be made to conform with the requirements of this article in so far as is physically possible.

13359. No room in a hazardous building shall be less than 10 feet in height from the floor level to the under side of the lowest point of the roof slab, unless:

(a) The building was in existence and in operative use prior to August 2, 1927, and has been in continuous operative use since that date.

(b) The building was constructed since August 2, 1927, in accordance with a design approved prior to December 1, 1928.

13360. The foundations of a hazardous building shall not have a batter of less than 60 degrees from a horizontal plane, unless constructed of concrete with adequate metallic reinforcement.

13361. The floors of a hazardous building shall be constructed of concrete not less than four inches thick with a troweled, cement-top finish. They shall be laid directly upon the earth at an elevation at or above the adjacent ground level. There shall not be any basement or other open space under them, except that a floor drain, or a muck pit having an area of not more than four square feet and constructed in accordance with plans on file in the office of the State Fire Marshal may be installed in the floor of a muck room, still room, or wash room.

(Amended by Stats. 1939, Ch. 634, and by Stats. 1945, Ch. 958.)

13362. The exterior and bearing walls of a hazardous building shall be constructed of incombustible material having a fire resistance rating of four hours, as determined by tests conducted in accordance with the standards adopted by the American Standards Association, the American Society of Testing Materials or other nationally recognized standard of fire resistance rating. Piers or columns shall be provided at concentrated loads or other points of structural necessity. This section does not apply to the exterior and bearing walls of a hazardous building which was in existence and in operative use prior to August 2, 1927, and which has been in continuous operative use since that date, if the walls are constructed of concrete, concrete brick, burned clay brick, burned clay hollow tile, or concrete hollow tile, not less than eight inches thick, or reinforced concrete not less than six inches thick, and are approved as to location and condition.

(Amended by Stats. 1955, Ch. 1252.)

13363. Any addition to or extension of an existing and approved exterior or bearing wall shall be thoroughly bonded to the wall, and shall be constructed of the materials and conform to the sections required in the construction of exterior or bearing walls of new buildings.

13364. Interior division walls, other than bearing walls, separating hazardous rooms shall be constructed of incombustible material having a fire resistance rating of 3 hours, as determined by tests conducted in accordance with the provisions of Section 13362. This section shall not apply to the interior division walls of a hazardous building which was in existence and in operative use prior to August 2, 1927, and which has been in continuous operative use since that date, if the walls are constructed of concrete, concrete brick, burned clay brick, burned clay hollow tile, or concrete hollow tile, not less than six inches thick, and are approved as to location and condition.

(Amended by Stats. 1955, Ch. 1252.)

13365. Any addition to or extension of an existing and approved interior division wall shall be thoroughly bonded to the wall, and shall be constructed of the materials required in the construction of interior division walls of new buildings.

13366. Interior division walls separating hazardous rooms, and all partitions in a hazardous building, shall extend from the floor level to the under side of the roof construction.

13367. Partitions or other similar interior construction in a hazardous building shall be constructed entirely of incombustible materials which shall be installed in an approved manner.

13368. The roof of a hazardous building shall be of a flat type, and of reinforced concrete designed for a live load of 30 pounds per square foot of horizontal projection.

Every steel girder or beam, and all reinforcing steel in concrete girder, beam, or slab, used in connection with the roof shall be protected with concrete.

There shall be no concealed roof space.

The bottom of a roof slab shall form the ceiling of the room over which the slab is placed.

This section does not apply to the roof of a hazardous building which was in existence and in operative use prior to August 27, 1937, if the roof is of one-hour fire-resistant construction and complies with the provisions of Section 13357 of this chapter.

(Amended by Stats. 1949, Ch. 578.)

13369. The roofing of a hazardous building may be composed of either of the following combinations of material:

(a) Asphalt and asphalt-saturated rag felt, with the exposed surface protected with roofing gravel.

(b) Asphalt and asphalt-saturated asbestos.

All roofing shall be applied in a workmanlike manner.

13370. Except for openings for doors, windows, and vents having approved fire protection, and for vent ducts, piping, and shafting in an exterior wall, an interior division wall, or a partition, there shall be no opening in any exterior wall of a hazardous building, nor in any interior division wall or partition separating hazardous rooms.

The clearance at a permissible opening shall not exceed one-quarter of an inch.

(Amended by Stats. 1949, Ch. 1051.)

13371. Every door opening in a hazardous building shall be at least three feet in width. Except as otherwise provided in this article, it shall lead directly to an area open to the sky, which shall afford a continuous, unobstructed means of safe egress from the building. A noncombustible awning or roof of an approved design may be installed over this area. Any existing awning or roof which does not meet with the approval of the State Fire Marshal shall be removed, remodeled, reconditioned, or relocated.

(Amended by Stats. 1939, Ch. 634, and by Stats. 1957, Ch. 1518. In effect July 6, 1957.)

13372. A fire door protecting an exterior opening in a hazardous building may be either sliding, hinged, or rolling, and shall be constructed and hung in accordance with the best practice. An observance of the latest amended form of the regulations of the National Board of Fire Underwriters and of the supplementary regulations of the Board of Fire Underwriters of the Pacific shall be considered prima facie evidence of compliance with the best practice.

Every fire door shall be so arranged that it can be opened readily from either side.

13373. Every door locking device installed for a fire door shall be of a kind that can be operated from the exterior side of the door.

13374. A standard-sized sliding fire door shall have at least three fusible links. A hinged, rolling, or oversized fire door shall have more than three fusible links.

13375. Every wash room shall have at least two doors, which shall be located as far from each other as is practicably possible. Except as otherwise provided in this article, one door from every hazardous room shall lead directly to the exterior. The location of doors in respect to accessibility and fire exposure shall be subject to the approval of the State Fire Marshal.

(Amended by Stats. 1955, Ch. 1252, and by Stats. 1957, Ch. 1518. In effect July 6, 1957.)

13376. Every window opening in a hazardous building shall be fitted with approved solid-steel sash, and with one-quarter inch wire glass, which shall be back puttied and held in place with metallic glazing strips.

Every ventilator in the sash shall be pivoted to insure automatic closing, and shall be controlled by a fusible link.

13377. Hinged skylights of an approved character shall be placed in the roof of each hazardous room having an aggregate door area of less than one-eighth of the floor area of such room. Where skylights are required the aggregate area of the door and skylight openings shall be equal to at least one-eighth of the floor area of the room, and shall be constructed with galvanized iron frames and sash of not less than No. 24 U. S. standard gauge. The skylights shall be so arranged that they will open under pressure in case of an explosion and will close automatically thereafter.

A hazardous building in existence and in operative use prior to April 23, 1929, and which has been in continuous operative use since that date, shall have its use continue without having such hinged skylights installed in the room thereof.

(Amended by Stats. 1945, Ch. 958, and by Stats. 1949, Ch. 1051.)

13378. (Repealed by Stats. 1945, Ch. 958.)

13379. A power-driven fan exhaust system of ventilation shall be installed for every hazardous building. It shall be designed and operated to produce a complete change of air in each room of the building once every three minutes, and

shall be operated continuously while any part of the building is in operation.

The riser, branch, and main ducts of the system shall be constructed of galvanized iron of not less than No. 24 U. S. Standard gauge, but the lower three feet of each vertical riser duct shall be fabricated and installed in accordance with the approved standard detail on file in the office of the State Fire Marshal. The discharge outlet shall be located at a height of not less than one foot above the highest part of the building.

13380. Hot water or steam heating devices only may be installed or used in a hazardous building for heating purposes.

13381. No artificial light, except that produced by electricity, nor any open light, flame, or fire, shall be installed or used in a hazardous building.

13382. Every electrical conduit, fitting, or fixture in a hazardous building shall be of an explosion-proof type.

13383. Unless it is of an approved, explosion-proof type, no electrical switch, appliance, or motor shall be placed in a hazardous room.

13384. Every machine, appliance, or shaft in a hazardous building shall be grounded to a live water line with No. 10 gauge wire, run in rigid metallic conduit with approved connections.

13385. Every electrical conduit, switch, fitting, fixture, or appliance, and every motor, machine, or shaft in a hazardous building shall be installed in accordance with the best practice.

An observance of the latest amended form of the National Electrical Code shall be considered *prima facie* evidence of compliance with the best practice.

13386. No machine, apparatus, appliance, or device shall be used in a clothes cleaning establishment, unless its operation, structural integrity, condition, and placement have been approved by the State Fire Marshal. Any present installation not meeting with the approval of the State Fire Marshal as to type, construction, condition, or placement, shall be immediately removed, remodeled, reconditioned, or relocated.

13387. Every circulation area for the use of an operator of any machine, apparatus, appliance, or device shall be at least three feet in width. However, a single tumbler or dust wheel may be installed in a room having an alined dimension three feet greater than the overall length of the tumbler or dust wheel.

13388. No boiler or steam generator shall be installed or used in connection with a clothes cleaning establishment unless it is installed and housed in conformity with the following:

(a) No boiler or steam generator of any horsepower, nor the boiler room in which it is housed, shall be placed or located within four feet from any hazardous building. The fire box or burner of such boilers shall not be less than 20 feet from the closest opening into the hazardous building.

(b) Every boiler used in connection with a clothes cleaning establishment shall be mounted on a suitable masonry base.

(Amended by Stats. 1941, Ch. 569, by Stats. 1945, Ch. 958, and by Stats. 1955, Ch. 1252.)

13389. Every clothes cleaning establishment shall be equipped with a fire extinguishing system of one of the following types:

(a) A steam fire extinguishing system.

(b) An approved carbon dioxide fire extinguishing system.

(c) Any other system meeting with the approval of the State Fire Marshal.

13390. Every clothes cleaning establishment with a steam fire extinguishing system shall be equipped with a steam boiler having a capacity of not less than one horsepower, according to the American Society of Mechanical Engineers or other standard rating, for each 200 cubic feet, or fraction thereof, of the cubic content of the largest hazardous room in the establishment.

(Amended by Stats. 1949, Ch. 1051.)

13391. A steam pressure of not less than 50 pounds per square inch shall be maintained in the boiler while operations are being carried on in any hazardous room of the establishment.

13392. There shall be installed:

(a) A steam line with an internal diameter of not less than one and one-quarter inches, leading from the boiler to the hazardous building.

(b) In each hazardous room a dry steam line with an internal diameter of not less than one inch, and with not less than one approved open nozzle for each 500 cubic feet, or fraction thereof, of the cubic content of the room.

(Amended by Stats. 1949, Ch. 1051.)

13393. The release of steam from the steam fire protection system shall be controlled by approved quick-acting valves, installed in approved locations outside the hazardous building.

(Amended by Stats. 1939, Ch. 634.)

13394. Approved chemical fire extinguishers shall be installed in every clothes cleaning establishment, in locations designated by the State Fire Marshal. They shall be discharged and recharged at least once every 12 months, and the date on which they are discharged and recharged shall be recorded on cards attached to them.

13395. (Repealed by Stats. 1945, Ch. 958.)

13396. Approved metallic "No Smoking" signs shall be installed in every hazardous building and in every area used for spotting and sponging in a clothes cleaning establishment, at locations designated by the State Fire Marshal. Smoking inside a hazardous building where any of the processes of dry cleaning are carried on is a violation of this chapter.

(Amended by Stats. 1955, Ch. 1252.)

13397. No person shall store, keep, or use any volatile and inflammable product in or upon the premises of a clothes

cleaning establishment, unless all tanks or other containers, the system for the circulation and use of solvent, and all pumps, piping, fittings, sight glasses, valves, traps, and emergency dump or other devices employed in connection with the storage, circulation, or use are approved by the State Fire Marshal.

13397.1. No solvent having a flash point less than 100 degrees F., closed cup test, shall be used in an immersion process of dry cleaning.

No solvent having a flash point below 138.2 degrees F., closed cup test, shall be used in any "140-F dry cleaning process" and no solvent other than one which is designated as non-flammable and nonexplosive by a laboratory nationally recognized as properly equipped to make the designation, shall be used in any cleaning process of the chlorinated hydrocarbon type. The provisions of this section shall not apply to soaps and detergents of a type approved for use in the various cleaning processes by the State Fire Marshal nor to spotting agents applied by local application.

(Added by Stats. 1947, Ch. 291; amended by Stats. 1949, Ch. 1051.)

13398. In any clothes cleaning establishment in which more than one gallon of a volatile, commercially moisture-free solvent of the chlorinated hydrocarbon type is used for dry-cleaning, the performance of all the dry-cleaning, drying, and deodorizing processes may be completed entirely within fluid-tight machines or apparatus vented to the open air at a point not less than eight feet from any window or other opening and so used and operated as to prevent the escape of fumes, gases or vapors into workrooms or work places.

13399. Except when operations are performed as provided in Section 13398 of this code, no person shall operate a clothes cleaning establishment in which more than one gallon of a volatile, commercially moisture-free solvent of the chlorinated hydrocarbon type is used for dry cleaning unless:

(a) All of the dry-cleaning, drying, and deodorizing processes are performed in a single room or compartment designed and ventilated in such a manner that dangerous toxic concentrations of vapors will not accumulate in working areas or,

(b) The dry-cleaning processes are performed in approved fluid tight machines or apparatus designed, installed and operated in a manner that will prevent the escape of dangerous toxic concentrations of vapors to the working areas.

(Amended by Stats. 1953, Ch. 40.)

13399.5. A concentration of chlorinated hydrocarbon vapor, as determined by the Halide torch test, in excess of the maximum allowable concentrations set forth below shall be considered as being a "dangerously toxic concentration." Carbon tetrachloride—50 parts per million. Perchlorethylene—100 parts per million. Trichlorethylene—100 parts per million.

(Added by Stats. 1953, Ch. 40.)

13400. The room or compartment shall be completely inclosed except for necessary door and window openings to enable operators to carry on operations within, but without entering, the room or compartment. The doors shall be self-closing and shall not be left open.

13401. The room or compartment shall be equipped with an approved system of mechanical ventilation that will completely change the air content at least once every two minutes while:

(a) A dry-cleaning, drying, or deodorizing process is being performed.

(b) A solvent is exposed to the air in the room or compartment.

(c) Alterations, adjustments, or repairs are being made in the room or compartment.

The air shall be taken out of the room or compartment at the floor line, and shall be discharged to the open air at a point not less than eight feet from any window or other opening.

13402. No employee shall be permitted to enter the room or compartment except for the purpose of making necessary repairs, alterations, or adjustments.

13403. Approved processes of wet-washing are permitted in a hazardous building.

(Amended by Stats. 1939, Ch. 634.)

13404. The owner, operator, or manager of a clothes cleaning establishment shall make a detailed report to the State Fire Marshal of every fire or explosion which occurs in or upon the premises of the establishment within 24 hours after the fire or explosion, on forms provided for that purpose.

Article 5. 140-F Dry Cleaning Processes

(Article 5 added by Stats. 1949, Ch. 1051)

13425. All processes of cleaning, washing, extracting, dry cleaning and deodorizing incident to dry cleaning, and all processes incident to solvent storage, circulation, distillation, purification, rectification, recovery or treatment by a 140-F dry cleaning process as defined herein shall be conducted and carried on in a complete dry cleaning unit or units which are approved and listed for safe operation with commercially moisture-free solvent having a flash point (closed cup test) of not less than 138.2 degrees F. by a laboratory nationally recognized as properly equipped to make the designation.

(a) The State Fire Marshal may authorize the installation on such approved dry cleaning machinery of any appliance or device that has been submitted to and is approved by him.

(Added by Stats. 1949, Ch. 1051.)

13426. The location, installation, and operation of all machinery, appliances, and fittings shall be subject to approval

of the State Fire Marshal. All such machinery, appliances, and fittings shall conform to the minimum requirements as follows:

(a) Systems or Units. All systems or units shall be designed to form a complete dry cleaning system in which all of the processes of washing, extracting, drying, deodorizing and those of solvent treatment and recovery may be completed in an approved manner, and shall consist of one or more washers, extractors, drying and deodorizing units, solvent circulating pumps, solvent circulating piping, solvent storage tanks, and solvent stills or clarifiers, all of which are so assembled as to form a complete dry cleaning system.

(b) Washers. The outer shell shall be of metal, substantially constructed. The loading door opening shall be equipped with a close-fitting door so designed as to prevent solvent leaks due to splash. Cylinder bearings shall be of a type that will prohibit leaking around the cylinder trunnion shaft. The outer shell shall be equipped with tight-fitting inlet line and a solvent outlet line. There shall be an overflow line one pipe-size larger than the inlet line located below the lower bearing level to prohibit solvent from rising above that point or be equipped with an automatic solvent level control device.

The inner cylinder of the washer may be of either wood or metal. All metal parts on wooden cylinders shall be bonded together with not less than No. 10 copper wire or grounding strap of equal cross-sectional area and attached to the trunnion shaft on the end of the cylinder. The trunnion shaft shall be effectively grounded to the frame by means of an approved brush, wiping contact, or other device.

(c) Trap. Each washer shall be provided with a substantially constructed button trap of bearing height or so designed that it will not overflow, to prohibit foreign matter from entering tanks or pumps. Button traps shall be equipped with suitable lids, kept normally closed.

(d) Pumps. Solvent pumps shall be designed to prevent leaking of solvent. All pumps except vacuum pumps from solvent condensers shall be equipped with a pressure release device to prohibit pressures in excess of fifty pounds per square inch.

(e) Pressure Filters. Pressure filters shall be of rigid construction. The side wall and head shall be of not less than No. 14 gauge steel. The cover shall be so designed and equipped with gaskets in order to prevent leaking.

(f) Solvent Storage Tanks. Aboveground solvent storage and treatment tanks shall have a capacity of not more than two hundred seventy-five gallons each. The shell and bottom shall be of not less than No. 12 gauge steel, and all seams and flanges shall be welded. Each tank shall be liquid tight and shall be rigidly supported. Tanks shall be equipped with one and one-fourth inch ($1\frac{1}{4}$ ") vents extending to an approved location outside of the building.

The underground storage of solvent shall be in accordance with the rules and regulations established under the provisions of Section 13252 of this chapter.

(g) Extractors. Extractors shall be designed and constructed so as to withstand vibration and shall be rigidly secured to the floor. The basket walls or running ring shall be nonferrous metal and shall be well balanced. They shall be equipped with covers to prevent solvent from being sprayed out. The covers shall be equipped with an automatic control which will prohibit operating the extractor while the cover is open and will prohibit opening the cover while the basket is rotating. A check valve shall be installed in the extractor drain line where necessary to prevent solvent from backing up into the extractor. Aboveground tanks into which the extractor drains shall be equipped with a visible liquid level gauging device. The extractor basket shaft shall be grounded to the frame by means of a brush contact or some other approved method.

(h) Stills. All distilling apparatus shall be of the vacuum type. The still case shall be of not less than three-sixteenths inch (3/16") steel plate and all joints and seams shall be of welded construction. The liquid in the still shall be maintained by a constant level valve. A visible thermometer, a compound pressure and vacuum gauge, and a controlled steam valve shall be provided for each still. Stills shall not be heated by any other medium than steam or hot water. Sight glasses on stills shall be well guarded and equipped with ball check or other approved device to prevent leakage of solvent if glass breaks.

(i) Sight Glasses. Sight glasses used on all storage containers and stills shall be of pyrex glass. They shall be well protected from mechanical injury by means of guards.

(j) Electrical Equipment. Installation of all electric motors, fittings, and wiring shall meet the requirements of the State Electrical Safety Orders and local electrical ordinances. They need not be of explosion-proof type.

(k) Tumblers. Tumblers used in connection with a 140-F dry cleaning process as defined herein shall bear the label of approval for safe use with a solvent having a flash point of not less than 138.2 degrees Fahrenheit by a laboratory nationally recognized as adequately staffed and equipped to approve and list such devices with respect to fire or other hazards.

The design and construction of tumblers shall be such that under operating conditions the loading door cannot be opened unless the fan is in operation and the cylinder is at rest.

The exhaust fan spider, blades or running rings shall be constructed of nonferrous metal. The fan shall be designed and operated so as to maintain the vapor concentration in the tumbler cylinder at a point below 0.75 percent by volume in air at an initial temperature of 302.0 degrees Fahrenheit. Tumblers shall be designed and constructed to effect an air change equivalent to 50 times the volume of the tumbler cylinder per minute, measured at the air inlet, and under actual operating conditions.

The exhaust duct shall be carried directly to and above the roof or outside of building without unnecessary elbows or turns. All necessary turns in exhaust duct shall have a radius of not

less than one and one-half times the diameter of the duct. Exhaust ducts shall be provided with an approved type water lint trap.

Where steam coil areas are such as to permit the generation of temperatures in excess of 250 degrees Fahrenheit within the tumbler cylinder, a thermostatically controlled heat regulating device shall be installed inside of the shell of the tumbler. The device shall be set to automatically shut off the steam line entering the tumbler coils when the temperatures, at the point where hot air enters the cylinder, exceed 250 degrees Fahrenheit.

The tumbler shall also be equipped with an automatic device which will inject live steam into the tumbler if power to the exhaust fan is interrupted while the temperature inside the tumbler is above 155 degrees Fahrenheit.

The tumbler cylinder shall be effectively grounded to the frame of the tumbler.

(l) **Drying Cabinets.** Drying cabinets used in connection with a 140-F dry cleaning process as defined herein shall bear the label of approval for safe use with a solvent having a flash point of 138.2 degrees Fahrenheit by a laboratory nationally recognized as adequately staffed and equipped to approve and list such devices with respect to fire or other hazards.

The doors of the cabinet shall be of a self-closing type that will automatically close if blown open by an explosion.

Drying cabinets shall have a three-eighths inch ($\frac{3}{8}$ ") or larger steam jet inside of the cabinet to smother any fire occurring therein. The valve to the steam jet shall be equipped with a manually operated control and an automatic device that will inject steam into the cabinet if the fan is stopped while the temperature in the cabinet is above 135 degrees Fahrenheit. Valves which will permit shutting off of steam to fire steam jet shall not be permitted.

The cabinet shall be of sturdy well braced metal construction.

The cabinet shall be equipped with an exhaust fan designed and operated so as to maintain the vapor concentration in the cabinet at a point below 0.75 percent by volume in air at an initial temperature of 302.0 degrees Fahrenheit. The volume of air change from the cabinet shall not be less than 10 changes per minute. Drying cabinets shall not be heated with any other medium than steam. The heating coils shall be designed and equipped so that when fan is operating and steam supply to coil is full open, the temperature in the center of the cabinet will not exceed 200 degrees Fahrenheit.

The fan impeller blades and running rings shall be of non-ferrous metal. The exhaust duct shall extend to an approved location outside of the building.

Drying cabinets shall be effectively grounded.

(Added by Stats. 1949, Ch. 1051.)

13427. Every tumbler, washer, extractor, pump, line shaft, solvent container, still, or other piece of equipment used in connection with a 140-F dry cleaning process as defined herein,

shall be grounded to a cold water line by means of not less than No. 10 copper wire or approved ground strap. All wiring or conductors between cold water pipes and machines that are more than twelve inches (12") in length shall be placed in rigidly supported conduit. Approved type grounding clamps shall be used where ground conductors attach to cold water lines.

(Added by Stats. 1949, Ch. 1051.)

13428. A minimum of thirty-six inches (36") of operating clearance shall be maintained for operation of all machines. Areaway and exit passages shall be not less than thirty-six inches (36") clear width. Machinery and equipment shall be located not less than eighteen inches (18") from any wall.

(Added by Stats. 1949, Ch. 1051.)

13429. The dry cleaning unit and all equipment used in the 140-F dry cleaning process of washing, extracting, drying, deodorizing and those of solvent treatment and clarification shall be contained within a complete enclosure constructed, equipped, and maintained in accordance with the following:

(a) Walls. Enclosure walls shall be capable of providing one-hour's resistance against fire. They shall be constructed of materials which will afford a fire-resistance equal to metal lath and plaster on both sides of wood studding. Existing walls of one-hour fire-resistant material may be utilized as enclosure walls.

Walls or parts of walls of detached buildings designed and constructed for housing such machinery after August 13, 1945, which are less than five feet (5') from adjacent property lines, shall have no openings therein and shall be of not less than four-hour fire-resistant construction.

(b) Ceiling or Roof. The enclosure ceiling or roof shall be of at least one-hour's fire resistance.

(c) Floor. The entire area occupied by the cleaning equipment shall have a trowel finished concrete floor surface not less than two inches (2") thick or some other approved incombustible material having one-hour fire-resistive rating.

(d) Door and Window Openings. Door openings shall be protected by metal or metal clad doors having a fire resistive rating of one hour. Doors shall be hung on approved hardware and equipped with a three fusible link automatic closing device.

Window openings shall be protected with metal sash and wired glass. If windows are designed to be opened, they shall be equipped with a fusible link automatic closing device.

(e) When the aggregate capacity of the aboveground storage, clarification, and treatment containers exceeds five hundred fifty gallons, or the individual capacity of any one such container exceeds two hundred seventy-five gallons, or the operating solvent capacity of the system—excluding storage tanks—exceeds five hundred fifty gallons, the entire 140-F dry cleaning process shall be housed in a hazardous building located, constructed, equipped, and maintained in accordance with the provisions of Article 4 of this chapter.

(Added by Stats. 1949, Ch. 1051.)

13430. Every boiler or steam generator shall be mounted on a suitable masonry base. The firebox or burner of such boiler shall be not less than ten feet (10') from the nearest opening in the enclosure around the unit.

(Added by Stats. 1949, Ch. 1051.)

13431. Every 140-F dry cleaning unit enclosure shall be equipped with an approved fire extinguishing system in accordance with the provisions of Sections 13389, 13390, 13391, 13392, and 13393 of this chapter.

(Added by Stats. 1949, Ch. 1051.)

13432. Every 140-F dry cleaning process enclosure shall be equipped with an approved ventilating system designed, constructed, equipped and operated in accordance with Section 13379 of this chapter.

(Added by Stats. 1949, Ch. 1051.)

13433. The installation of all heating and lighting equipment in connection with a 140-F dry cleaning process shall conform to Sections 13380 and 13381 of this chapter.

(Added by Stats. 1949, Ch. 1051.)

13434. "Fire extinguisher" and "no smoking" signs shall be provided in accordance with Sections 13394 and 13396 of this chapter.

(Added by Stats. 1949, Ch. 1051.)

13435. No immersion dry cleaning process employing a volatile and inflammable liquid, as defined herein, shall be installed or operated in a building occupied in whole or in part as a dwelling, apartment house, hotel, restaurant, or place of public assemblage unless separated therefrom by a four-hour fire-resistive separation without openings therein.

The requirements of this section for construction cut-offs may be waived at the discretion of the fire marshal, based upon a consideration of such factors as type of building construction, nature of occupancy, storage and operating capacity of the system, and extent of fire protection provided.

(Added by Stats. 1949, Ch. 1051.)

13436. All machinery, equipment, fire extinguishing systems, grounding devices, housings, enclosures, and ventilating systems shall be maintained in strict accordance with the provisions of this chapter.

(a) Solvent leaks from machines, containers, and packing glands shall be immediately repaired.

(b) Lint and grease shall not be allowed to accumulate inside a unit enclosure.

(c) All automatic devices required by the provisions of this chapter shall be maintained in good operative condition at all times.

(d) When it is deemed impossible or impractical to comply in full with the letter of the requirements of this chapter, or when new or other materials, methods or processes are developed, a written application for variance or modification may be submitted to the State Fire Marshal. An application for variance or modification shall include a complete statement of the con-

ditions and reasons therefor, and any plans, reports, data and information in support thereof. The State Fire Marshal may, upon such conditions as he may specify, grant a variance or modification.

(Added by Stats. 1949, Ch. 1051.)

Article 6. Violations

(Heading amended and renumbered by Stats. 1949, Ch. 1051)

13450. Any person who commits any of the following acts is guilty of a misdemeanor:

(a) Violates any provisions of this chapter.

(b) Violates or fails to comply with any order, rule, or regulation made pursuant to this chapter.

(c) Constructs a clothes cleaning establishment in violation of a blueprint or statement submitted to and approved by the State Fire Marshal.

(d) Violates the terms of any permit issued pursuant to this chapter.

(e) Constructs a clothes cleaning establishment or a 140-F dry cleaning establishment, or installs equipment or machinery therein, in violation of the provisions of this chapter or of any rule or regulation made pursuant thereto, whether for himself or for another party.

Any person who commits more than one of the acts specified in this section is guilty of a separate misdemeanor for each such commission.

(Amended by Stats. 1949, Ch. 1051.)

13451. A person is guilty of a separate offense each day during which he commits, continues, or permits a violation of any provision of this chapter. The district attorney shall prosecute him until the violation is discontinued.

13452. Any person who aids or abets the owner, manager, or operator of a clothes cleaning establishment in the violation of any provision of this chapter is guilty of a misdemeanor.

13453. The State Fire Marshal shall submit to the district attorney any evidence relating to:

(a) A violation of any provision of this chapter.

(b) Aiding or abetting any owner, manager, or operator of a clothes cleaning establishment to violate any provision of this chapter.

13454. Upon the receipt of any evidence relating to a violation of any provision of this chapter, the district attorney shall prosecute the violator.

(Amended by Stats. 1939, Ch. 634.)

CHAPTER 3. SPOTTING, SPONGING, AND PRESSING ESTABLISHMENTS

Article 1. Definitions and General Provisions

13501. Unless the context otherwise requires, the definitions set forth in this article shall govern the construction of this chapter.

13502. "Dry cleaning" means the process of freeing wearing apparel, feathers, furs, hats, fabrics, or textiles from grease, dirt, spots, stains, or discolorations by the use of a volatile, commercially moisture-free solvent, applied either manually or by means of a mechanical appliance.

13503. "Spotter and sponger" means any person who removes spots, stains, or other discolorations from wearing apparel, feathers, furs, hats, fabrics, or textiles by means of a cleaning medium applied manually.

13504. "Presser" means any person who renovates wearing apparel, feathers, furs, hats, fabrics, or textiles by means of ironing, performed either manually or by the use of a mechanical appliance.

13505. "Cleaning and dyeing shop or store" and "spotting, sponging, or pressing establishment" mean any premises, building, room, shop, store, instrumentality, or establishment, including an establishment commonly known to the trade as a press shop or furrier, but excluding any clothes cleaning establishment, equipped to perform, in whole or in part, a spotting, sponging, dry cleaning by local application, or pressing or other finishing service in respect to wearing apparel, feathers, furs, hats, fabrics, or textiles.

13506. "Private school or college of spotting, sponging, or pressing" means any establishment in which individuals are taught the operations or processes employed in the spotting, sponging, dry cleaning by local application, or pressing or other finishing of wearing apparel, feathers, furs, hats, fabrics, or textiles, whether gratuitously, for a charge or fee, or in exchange for services.

13507. "Clothes cleaning establishment" and "cleaning and dyeing establishment" mean any premises, building, room, instrumentality, or establishment commonly known to the trade as a cleaning plant or cleaning and dyeing plant, equipped to perform the service of dry cleaning by immersion and agitation, or immersion only, in a volatile, commercially moisture-free solvent.

13508. "Service outlet" means any premises, building, room, shop, store, instrumentality, or establishment in, upon, or through which a spotting, sponging, dry cleaning, or pressing or other finishing service in respect to wearing apparel, feathers, furs, hats, fabrics, or textiles is sold or bartered, or offered for sale or barter, or made an obligation or condition of a sale or barter, directly to the public.

13509. "Service inlet" means any premises, building, room, shop, store, instrumentality, or establishment used for collecting or receiving wearing apparel, feathers, furs, hats, fabrics, or textiles as to which a spotting, sponging, dry-cleaning, or pressing or other finishing service is to be performed.

13510. Any advertisement of the service of spotting, sponging, or pressing constitutes prima facie evidence that the premises, room, shop, store, instrumentality, or estab-

lishment in or upon which it appears, or to which it refers, is a service outlet or inlet.

13511. "Agency" means any premises, building, room, shop, store, instrumentality, or establishment, including an establishment commonly known to the trade as a pickup shop, tailor shop, or secondhand clothing shop, upon, in, or through which is conducted, maintained, or operated a service outlet or inlet for a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, a clothes cleaning establishment, or a cleaning and dyeing establishment.

13512. The ownership of an agency shall be verified under oath when required by the State Fire Marshal.

13513. (Repealed by Stats. 1943, Ch. 193.)

13514. "Volatile and inflammable product" means any liquid, viscous, powdered, solid, or other form of product or substance having the capacity to evaporate and, during evaporation, to generate and emit a gas or vapor propagative of flame, fire, or explosion.

13515. "Volatile, commercially moisture-free solvent" includes any solvent of the petroleum distillate, coal tar distillate, or chlorinated hydrocarbon type.

13516. "Fire nuisance" means any thing or any act which increases, or may cause an increase of, the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of an obstruction, a delay, or a hindrance to, the prevention, suppression, or extinguishment of fire.

13517. "Approved" means approved by the State Fire Marshal.

13518. "Operate" and any of its variants includes "conduct" and "maintain" and any of their variants.

13519. Any application, fee, or penalty required by or specified in this chapter shall be filed or paid at the office of the State Fire Marshal. It shall not be incumbent upon the State Fire Marshal to issue any notification in regard to the filing or payment.

13520. The provisions of this chapter do not apply to any store whose major business is selling merchandise and which is not engaged in cleaning, dyeing, spotting, sponging, or pressing as an occupation for gain, but which performs a process of cleaning, dyeing, spotting, sponging, or pressing only in order to renovate wearing apparel or other goods which have become soiled or stained in transit from the manufacturer, or which have subsequently become shopworn, soiled, or stained.

Article 2. Administration

13550. The State Fire Marshal shall enforce and administer the provisions of this chapter.

13551. The State Fire Marshal shall appoint, in accordance with the State civil service laws, such employees as may be necessary and required to carry out the provisions of this chapter, and shall prescribe their duties.

13552. The State Fire Marshal shall formulate such rules, orders, and regulations as may be necessary to:

(a) Promote fire prevention and health protection in spotting, sponging, or pressing establishments, and in private schools or colleges of spotting, sponging, or pressing.

(b) Carry out the provisions of this chapter.

(Amended by Stats. 1941, Ch. 1222.)

13553. Pending a hearing thereon, the State Fire Marshal shall abate any fire nuisance upon any property or premises used as:

(a) A cleaning and dyeing shop or store.

(b) A spotting, sponging, or pressing establishment.

(c) A unit or department of a clothes cleaning establishment equipped for performing the service of spotting, sponging, dry cleaning by local application, or pressing.

(d) An agency of any shop, store, or establishment mentioned in this section.

(e) A private school of spotting, sponging, or pressing.

The cost of an abatement is assessable against the owner, lessee, or occupant of the property or premises.

13554. The State Fire Marshal, or his deputies or assistants, shall enter and inspect the following establishments during customary business hours, or at any time when they are in operation, for the purpose of enforcing this chapter:

(a) Spotting, sponging, or pressing establishments, or agencies thereof.

(b) Private schools or colleges of spotting, sponging, or pressing.

(c) Agencies of clothes cleaning establishments.

The owner, lessee, manager, or operator of any such establishment shall permit the State Fire Marshal, or his deputies or assistants, to enter it at the times and for the purpose stated in this section.

The State Fire Marshal, in his discretion, need not inspect any such establishment located in a city that maintains a regular fire prevention bureau service.

(Amended by Stats. 1949, Ch. 1007.)

Article 3. (Repealed by Stats. 1945, Ch. 1517)

13600. (Amended by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193; repealed by Stats. 1945, Ch. 1517.)

13601. (Amended by Stats. 1941, Ch. 1222; repealed by Stats. 1945, Ch. 1517.)

13602. (Repealed by Stats. 1945, Ch. 1517.)

13603. (Repealed by Stats. 1945, Ch. 1517.)

13604. (Repealed by Stats. 1945, Ch. 1517.)

13605. (Repealed by Stats. 1945, Ch. 1517.)

13606. (Amended by Stats. 1941, Ch. 1222; repealed by Stats. 1945, Ch. 1517.)

13607. (Amended by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193; repealed by Stats. 1945, Ch. 1517.)

13608. (Repealed by Stats. 1945, Ch. 1517.)

13609. (Repealed by Stats. 1943, Ch. 193.)

13610. (Amended by Stats. 1943, Ch. 193; repealed by Stats. 1945, Ch. 1517.)

13611. (Repealed by Stats. 1943, Ch. 193.)

13612. (Repealed by Stats. 1945, Ch. 1517.)

13613. (Amended by Stats. 1941, Ch. 1222, and by Stats. 1945, Ch. 880; repealed by Stats. 1945, Ch. 1517.)

13614. (Repealed by Stats. 1945, Ch. 880 and Ch. 1517.)

13615. (Repealed by Stats. 1945, Ch. 880 and Ch. 1517.)

13616. (Repealed by Stats. 1945, Ch. 880 and Ch. 1517.)

Article 4. (Repealed by Stats. 1945, Ch. 1517)

13650. (Repealed by Stats. 1945, Ch. 1517.)

13651. (Repealed by Stats. 1945, Ch. 1517.)

13652. (Amended by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193; repealed by Stats. 1945, Ch. 1517.)

13653. (Repealed by Stats. 1943, Ch. 193.)

13654. (Amended by Stats. 1945, Ch. 1173; repealed by Stats. 1945, Ch. 1517.)

13655. (Amended by Stats. 1941, Ch. 1222 and by Stats. 1943, Ch. 193; repealed by Stats. 1945, Ch. 1517.)

13656. (Amended by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193; repealed by Stats. 1945, Ch. 1517.)

13657. (Repealed by Stats. 1945, Ch. 1517.)

Article 5. Operation and Management

13675. (Repealed by Stats. 1945, Ch. 1517.)

13676. (Repealed by Stats. 1945, Ch. 1517.)

13677. (Repealed by Stats. 1945, Ch. 1517.)

13678. Every room or place used as an office, showroom, workroom, or storeroom of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, of a private school or college of spotting, sponging, or pressing, or of any agency of a clothes cleaning establishment, shall be completely separated from every other room or place used for cooking, eating, sleeping, or other domestic functions by a partition or partitions, the openings in which shall be equipped with doors or glazed sash, or both. No person shall cook, eat, sleep, or engage in any other domestic function in any such office, showroom, workroom, or storeroom.

13679. Every office, workroom, storeroom, or other room or place in which any of the processes of spotting, sponging, or pressing are performed, or in which any wearing apparel,

feathers, furs, hats, fabrics, or textiles are kept or stored, and every roof, yard, court, passage, or other area in or upon the premises of a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, shall at all times be kept in good repair, free from any accumulation of dirt or debris that may constitute or give rise to a fire nuisance, and in an orderly, clean, and sanitary condition as to floors, walls, ceilings, windows, doors, woodwork, machinery, apparatus, utensils, fixtures, and furnishings.

Every office, workroom, storeroom, or other room or place specified in this section shall be adequately lighted and ventilated either by natural or mechanical means. The State Fire Marshal shall require the lighting and ventilation to comply with the accepted standards for industrial plants similar to those subject to this chapter.

13680. Any drying room, cabinet, or other appliance used for the purpose of drying or deodorizing in a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment shall be located, constructed, installed, ventilated, and operated in a manner meeting with the approval of the State Fire Marshal.

13681. No machine, apparatus, appliance, or device shall be used in a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, unless its operation, structural integrity, condition, and placement have been approved. Any present installation not meeting with the approval of the State Fire Marshal as to type, construction, condition, or placement, shall be immediately removed, remodeled, reconditioned, or relocated.

13682. No person shall keep, store, or use in or upon the premises of a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, or a private school or college of spotting, sponging, or pressing, more than eight pounds in the aggregate of viscous, powdered, or solid volatile and inflammable products or substances. Any such products or substances in excess of one pound shall be kept or stored in approved safety containers.

13683. Except as otherwise provided in Section 13684 of this code, no person shall keep, store, or use in or upon the premises of a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, or a private school or

college of spotting, sponging, or pressing, more than one gallon in the aggregate of volatile, commercially moisture-free solvents of the petroleum distillate or coal tar distillate type. Any such solvent in excess of one pint shall be kept or stored in approved safety cans.

13684. Gasoline for use in automotive vehicles or for approved purposes may be kept and stored in an approved specified quantity in excess of one gallon in an approved manner and in an underground location on the premises of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, of a private school or college of spotting, sponging, or pressing, or of any agency of a clothes cleaning establishment, with the written permission of the State Fire Marshal.

13685. No person shall maintain, permit, or allow a fire nuisance to exist upon any property or premises owned, leased, or occupied by him as a cleaning and dyeing shop or store, as a spotting, sponging, or pressing establishment, as a unit or department of a clothes cleaning establishment equipped for performing the service of spotting, sponging, dry cleaning by local application, or pressing, as an agency of any such shop, store, or establishment, or as a private school or college of spotting, sponging, or pressing, after he is notified in writing by the State Fire Marshal to remove, discontinue, or abate it.

13686. No person shall operate a service outlet or inlet in connection with a private school or college of spotting, sponging, or pressing.

13687. Any change in the location or ownership of a shop, store, establishment, school, or college subject to the provisions of this chapter shall be reported, in writing, at the office of the State Fire Marshal within 48 hours after the change by the person who is owner after the change.

(Amended by Stats. 1943, Ch. 193.)

13688. The owner, operator, or manager of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any unit or department of a clothes cleaning establishment equipped for performing the service of spotting, sponging, dry cleaning by local application, or pressing, of any agency of any such shop, store, or establishment, or of a private school or college of spotting, sponging, or pressing, shall make a detailed report to the State Fire Marshal of every fire or explosion which occurs in or upon the premises of the shop, store, establishment, agency, school, or college within 24 hours after the fire or explosion, on forms provided for that purpose.

13689. A report of all volatile and inflammable products or substances purchased by, and delivered to the premises of, a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store,

or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, shall be sent to the office of the State Fire Marshal every 30 days on forms furnished by the State Fire Marshal.

Article 6. Violations

13725. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor.

13726. A person is guilty of a separate offense each day during which he commits, continues, or permits a violation of any provision of this chapter. The district attorney shall prosecute him until the violation is discontinued.

13727. No person shall aid or abet the owner, manager, or operator of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, of any agency of a clothes cleaning establishment, of any other agency, or the owner, manager, or instructors of a private school or college of spotting, sponging, or pressing, in violating any of the provisions of this chapter.

(Amended by Stats. 1939, Ch. 635, by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193.)

13728. The State Fire Marshal shall submit to the district attorney any evidence relating to:

(a) A violation of any provision of this chapter.

(b) Aiding or abetting any owner, manager, or operator of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, of any agency of a clothes cleaning establishment, of any other agency, or the owner, manager, or instructors of a private school or college of spotting, sponging, or pressing to violate any provision of this chapter.

(Amended by Stats. 1939, Ch. 635, by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193.)

13729. Upon the receipt of any information relating to a violation of any provision of this chapter, the district attorney shall prosecute the violator.

(Amended by Stats. 1939, Ch. 635.)

13780. The provisions of Chapters 2 and 3 of Part 2 of Division 12 of this code shall not apply to the spotting or pressing of clothing of persons while carried or employed on passenger trains which are subject in whole or in part to the jurisdiction of the Interstate Commerce Commission or the Railroad Commission of the State of California, nor to such trains in respect of such spotting and pressing; provided, that such spotting or pressing hereby exempted shall be solely as a facility available in connection with and as a part of the operation of such trains and not open or available to members of the public, or to others than the persons carried or employed on the train upon which the spotting or pressing is performed for them.

(Added by Stats. 1941, Ch. 201.)

PART 2.7. FIRE PROTECTION
DISTRICT LAW OF 1961

(Part 2.7 added by Stats. 1961, Ch. 565)

CHAPTER 1. GENERAL PROVISIONS

(Chapter 1 added by Stats. 1961, Ch. 565)

13801. This part shall be known and may be cited as the Fire Protection District Law of 1961.

(Added by Stats. 1961, Ch. 565.)

13802. "District," as used in this part, means a district created or reorganized pursuant to this part or pursuant to any law which it supersedes.

(Added by Stats. 1961, Ch. 565.)

13803. "City," as used in this part, includes city and county.

(Added by Stats. 1961, Ch. 565.)

13804. If the area proposed to be organized or reorganized as a district lies within more than one county, or if, subsequent to any annexation or consolidation, a district contains territory lying within more than one county, "principal county," as used in this part, means that county having the greatest proportion of the total assessed valuation of the district or proposed district, and that county shall remain the principal county even though subsequent changes occur, the result of which being that another county may then contain the greatest proportion of the total assessed valuation of the district.

(Added by Stats. 1961, Ch. 565.)

13805. Unless otherwise provided herein, whenever in this part a duty or responsibility is given to a county or the board of supervisors or any county official, and the district or proposed district lies within more than one county, such duty shall be performed or responsibility discharged by the county which is the principal county or by the board of supervisors or the designated county official of the principal county. In any existing district lying within more than one county, the principal county shall be that county now acting as such.

(Added by Stats. 1961, Ch. 565.)

13806. "Supervising authority," as used in this part, means the board of supervisors, unless the proposed district is composed entirely of incorporated territory. If the proposed district is composed entirely of incorporated territory the city council of the city or, if two or more cities are included in the proposed district, the city council of the city with the largest population shall be the supervising authority.

(Added by Stats. 1961, Ch. 565.)

13807. "District board," as used in this part means the board of directors of a district.

(Added by Stats. 1961, Ch. 565.)

13808. "Employees," as used in this part, means all duly appointed officers and employees of the district and the fire department, including those regular, volunteer and call firemen who are employed and paid on a full-time or part-time basis, and including such persons as may be requested or appointed by the officer in charge of a fire, with authorization of the district board, to assist in the suppression of a fire.

(Added by Stats. 1961, Ch. 565.)

13809. Districts formed or proposed to be formed under this part are not subject to any provisions of the "District Investigation Act of 1933."

(Added by Stats. 1961, Ch. 565.)

13810. In the case of districts created or reorganized under this part or any statutory predecessor thereof subsequent to 1935, and in the case of districts created prior to 1935 and subsequently reorganized under this part or any statutory predecessor thereof, no assessment or act relating to the assessment or collection of taxes, nor any election held under this part, is illegal, void or voidable on account of any error, omission or informality or failure to comply strictly with the provisions of this part, nor on account of any misnomer.

(Added by Stats. 1961, Ch. 565.)

13811. Any proceeding in which the validity of the organization or reorganization of a district is questioned shall be commenced within three months after the date of the first appointment or election of members of the district board or the date of such reorganization; otherwise such organization or reorganization and the legal existence of said district, and all proceedings in respect thereto, are valid and in every respect legal and incontestable.

(Added by Stats. 1961, Ch. 565.)

13812. When a district is organized or reorganized, and upon receipt of notice of such organization or reorganization, the Secretary of State shall issue to the district board of such district a certificate evidencing the existence of such district under such organization or reorganization.

(Added by Stats. 1961, Ch. 565.)

13813. The State Fire Marshal shall, from time to time, study and investigate the law relating to the formation and organization of districts and shall, following each such study and investigation, report to the Legislature the results of his investigation and study and also his conclusions and recommendations regarding needed legislation in order better to accomplish the purposes of the law.

(Added by Stats. 1961, Ch. 565.)

13814. This part is necessary for the public health, safety, and welfare, and shall be liberally construed to effectuate its purpose.

(Added by Stats. 1961, Ch. 565.)

CHAPTER 2. AREA

(Chapter 2 added by Stats. 1961, Ch. 565)

13821. Any incorporated or unincorporated territory, or any combination thereof, which does not include any timbered, brush, or grass-covered lands declared to be the responsibility of the State for fire protection by Article 1 (commencing with Section 4000), Chapter 1, Division 4 of the Public Resources Code, except as provided in this section, may be organized as a district pursuant to this part.

Upon the adoption of a resolution or upon receipt of a petition for the formation of or the annexation to a district, if the proposed formation or annexation contains an area declared by Article 1 (commencing with Section 4000), Chapter 1, Division 4 of the Public Resources Code to be the fire protection responsibility of the State, the board of supervisors, in the case of formation, or the district board, in the case of annexation, shall file with the State Forester a notice of such proposal including a map and legal land subdivision description of the proposed district or annexation. Upon formation of or annexation to a district, including such lands, the fire protection responsibility for timbered, brush and grass lands shall remain that of the State. The district shall have the fire protection responsibility for structures in the area. Commercial forest lands which are timbered lands declared to be the responsibility of the State for fire protection by Article 1 (commencing with Section 4000), Chapter 1, Division 4 of the Public Resources Code shall not, however, be included within a district.

This section shall apply to districts hereafter formed and to annexations to existing districts.

(Added by Stats. 1961, Ch. 565.)

13822. Contiguous or noncontiguous portions of unincorporated territory may be included within districts governed by the board of supervisors or their appointees.

(Added by Stats. 1961, Ch. 565.)

13823. Incorporated territory which is completely surrounded by another city, or cities, may be included within a district governed by a board of supervisors or its appointees at any time prior to June 30, 1962.

(Added by Stats. 1961, Ch. 565.)

CHAPTER 3. FORMATION

(Chapter 3 added by Stats. 1961, Ch. 565)

13825. Any one of the following alternative methods may be used to form a district:

(a) The supervising authority or supervising authorities may determine, by resolution, that certain territory not served by a regularly organized fire department of a city and not

served by an existing fire department of a district is in need of fire protection and should be formed into a district. The board of supervisors shall then proceed to hold a public hearing and an election as prescribed in Article 4 (commencing with Section 58090) and Article 5 (commencing with Section 58130), Chapter 1, Division 1, Title 6 of the Government Code.

(b) A petition for the formation of a district which is signed by registered voters in the proposed district equal in number, at least, to 25 percent of all the votes cast within the proposed district for all the candidates for Governor at the last preceding general election at which a Governor was elected. The board of supervisors shall then proceed to hold a public hearing and an election as prescribed in Article 4 (commencing with Section 58090) and Article 5 (commencing with Section 58130) of Chapter 1, Division 1, Title 6 of the Government Code.

(c) If a petition for the formation of a district is presented to the board of supervisors which is signed by registered voters in the proposed district equal in number at least, to 51 percent of all the votes cast within the proposed district for all the candidates for Governor at the last preceding general election at which a Governor was elected, the board of supervisors, after holding a public hearing as prescribed in Article 4 (commencing with Section 58090), Chapter 1, Division 1, Title 6 of the Government Code, may, by resolution, declare the district formed without recourse to an election.

(d) If a petition for the formation of a district is presented to the board of supervisors which is signed by owners of real property in the proposed district equal to at least 51 percent of the assessed valuation of real property within the proposed district as ownership and valuation appear on the last equalized assessment roll, the board of supervisors after holding a public hearing as prescribed in Article 4 (commencing with Section 58090) Chapter 1, Division 1, Title 6 of the Government Code, may, by resolution, declare the district formed without recourse to an election.

(Added by Stats. 1961, Ch. 565; amended by Stats. 1963, Ch. 1086.)

CHAPTER 4. BOARD OF DIRECTORS

(Chapter 4 added by Stats. 1961, Ch. 565)

13831. A petition or resolution which proposes the formation of a district shall specify one of the following methods of selecting the board of directors of the district:

(a) That the board of directors shall be composed of the supervising authority.

(b) That the board of directors shall have five members appointed by the supervising authority.

Where the members of the board of directors are appointed by the supervising authority, the board shall determine

whether the members of the board of directors shall serve at the pleasure of the supervising authority, or for a term of four years subject to removal by the supervising authority for cause. If the members of the board of directors are appointed for four-year terms, the terms of members first appointed shall expire as follows: one member, one year from the effective date of his appointment; one member, two years from the effective date of his appointment; one member three years from the effective date of his appointment; and two members four years from the effective date of their appointments. The determination as to which members of the board of directors shall serve the one-, two-, three- and four-year terms shall be determined by the supervising authority by lot.

(c) That the board of directors shall have 5 or 11 members appointed by and from the board of supervisors and by and from the city councils of the cities included within the district.

If unincorporated territory and territory of one or more cities, or portions thereof, are included within the district, or if all or a portion of the unincorporated territory in a district subsequently becomes incorporated territory the directors shall be appointed from the incorporated territory and the unincorporated territory according to the proportionate share of population of the incorporated and unincorporated territory included within the district.

Directors representing the unincorporated territory included within the district shall be appointed by and from members of the board of supervisors. Directors representing the incorporated territory included in the district shall be elected by and from the city councils of those cities so included.

When two or more cities, or portions thereof are included within the district, each city council shall appoint one of its members to cast their vote in determining which of the combined councilmen shall be members of the board of directors from the incorporated territory within the district.

Whenever unincorporated territory and all or portions of one or more cities are included within the district, at least one director shall be appointed by and from the board of supervisors and at least one director shall be appointed by and from the city councils of the cities included within the district.

The members of the board of directors of the board first appointed shall serve for four-year terms and for two-year terms and shall determine by lot which three members shall serve for four-year terms and which of two members shall serve for two-year terms. Vacancies resulting from a member's loss of his office on the board of supervisors or a city council, or from other causes, shall be filled by the appointing authority for the unexpired term.

(d) That the board of directors shall be composed of three or five members to be elected as provided in this part.

(Added by Stats. 1961, Ch. 565; amended by Stats. 1963, Ch. 1646.)

13832. At the election for the formation of a district, or at the election of the first board of directors of a district formed without recourse to an election, in which the district shall be governed by an elected board of directors, the terms of the first elected board of directors shall be determined as follows:

(a) If the petition or resolution proposing the formation of a district specifies a board of directors composed of three members the nominee receiving the highest vote shall be considered as having been elected for a three-year term and the nominee receiving the second and third largest number of votes shall be considered as having been elected for terms of two years and one year respectively.

(b) If the petition or resolution proposing the formation of a district specifies a board of directors composed of five members the two nominees receiving the largest and second largest number of votes shall be considered as having been elected for three-year terms, the two nominees receiving the third and fourth largest number of votes shall be considered as having been elected for two-year terms, and the nominee receiving the fifth largest number of votes shall be considered as having been elected for a one-year term.

(Added by Stats. 1961, Ch. 565.)

13833. Subsequent to the formation of a district with a board of directors consisting of three elected members or the consolidation of two or more districts, if, by petition of 50 or more electors or by unanimous resolution of the district board, it is proposed to increase the number of directors from three to five, the district board shall, upon receipt of such petition or upon adoption of such resolution, call a special election on the proposition of such change, such election to be held concurrently with the next general district election. If a majority of the votes cast are in favor of the proposition, the board of supervisors shall, at their next meeting, appoint two new directors, one of whom shall serve for a three-year term and the other for a two-year term.

(Added by Stats. 1961, Ch. 565.)

13834. If pursuant to Section 13832 two or more nominees for the district board receive the same number of votes, the supervising authority shall cast the deciding vote to determine the election and tenure of office of the nominees concerned.

(Added by Stats. 1961, Ch. 565.)

13835. The terms of office of the first elected members of the district board, or of a consolidated district board, shall run until the third Tuesday of April of the first, second and third years next succeeding their election, except that if the first district board or a consolidated district board is elected within less than six months before the first Tuesday of April their terms shall run until the third Tuesday of April of the second, third and fourth years next succeeding their election. The directors shall hold office until their successors shall be elected or appointed and qualified.

(Added by Stats. 1961, Ch. 565.)

13836. Except as otherwise provided in Section 13836.5, on the first Tuesday of April of the year next succeeding the first election or if the first district board or consolidated district board is elected within less than six months before the first Tuesday of April, then on the first Tuesday of April of the second year succeeding the first election, and on the first Tuesday of April of every year thereafter, an election shall be held for the election of the required number of members of the district board who shall take office on the third Tuesday of the same month and shall hold office for the term of three years, or until their successors are elected or appointed and qualified.

(Added by Stats. 1961, Ch. 565; amended by Stats. 1963, Ch. 1566.)

13836.5. Not less than 100 days prior to the first Tuesday of April of any year, the district board of any district may, if it determines that such a change in the date of the election for members of the district is in the best interests of the district, provide by resolution that future elections for members of the district board shall be held on the third Tuesday of April, rather than the first Tuesday of April, of each year. A copy of such resolution shall be filed with the Secretary of State.

An election shall be held for the election of the required number of members of the district board on the third Tuesday of April of each year thereafter and the members elected to the district board at such election shall take office on the first Tuesday of the next month, May, and shall hold office for a term of three years, or until their successors are elected or appointed and qualified.

(Added by Stats. 1963, Ch. 1566.)

13837. If at 12 o'clock noon on the 54th day prior to a general district election only one person has been nominated for each of the positions to be filled at that election or no person has been nominated for any such office or offices, and a petition signed by five percent (5%) of the voters requesting that the election be held has not been presented to the district board, an election shall not be held.

(Added by Stats. 1961, Ch. 565.)

13838. In such case the publication provided for in Section 13891 shall, instead of calling an election, state that no election is to be held but that the supervising authority shall appoint those nominated for the positions of member of the board of directors or shall, if no persons have been nominated, appoint any qualified persons to the positions.

(Added by Stats. 1961, Ch. 565.)

13839. If pursuant to Sections 13837 and 13838 a general district election is not held, the supervising authority shall, at a meeting held prior to the day fixed for the election, appoint to the positions of member of the board of directors those persons nominated, or shall, if no persons have been nominated, appoint any qualified persons to such positions. Any person

thus appointed shall qualify, take office and serve as if elected at a general district election.

(Added by Stats. 1961, Ch. 565.)

13840. Any vacancy in the office of a member elected to the district board shall be filled by appointment by the district board for the unexpired term.

(Added by Stats. 1961, Ch. 565.)

13841. Within 30 days after their first election or appointment and after each general district election or unopposed election, and whenever vacancies in any office may occur and are filled, the district board shall meet and organize as a board, electing a president from their number, and a secretary, after which they may transact business. Regular meetings shall be held not less than once every three months. Regular and special meetings shall be called and conducted as prescribed by Sections 54953, 54954 and 54956 of the Government Code.

(Added by Stats. 1961, Ch. 565.)

13842. A majority of the district board shall constitute a quorum for the transaction of business.

(Added by Stats. 1961, Ch. 565.)

13843. The district board shall act only by ordinance, resolution or motion. A majority vote of the members of the district board is required on each action taken, and the vote shall be recorded.

(Added by Stats. 1961, Ch. 565.)

13844. Each member of the district board shall receive such sum as may be fixed by the board, not exceeding ten dollars (\$10), for each meeting of the district board attended by him, not exceeding four meetings in any calendar month.

(Added by Stats. 1961, Ch. 565.)

13845. Members of the district board may be allowed actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the district board.

(Added by Stats. 1961, Ch. 565.)

13846. All or any of the members of the district board may be recalled at any time by the voters by following the recall procedure set forth in Chapter 2 (commencing with Section 11050), Division 13 of the Elections Code.

(Added by Stats. 1961, Ch. 565.)

13847. Any election which is required by this article may be consolidated with any other election which is to be held on the same day pursuant to the provisions of Chapter 4 (commencing with Section 23300), Part 2, Division 12 of the Elections Code.

(Added by Stats. 1963, Ch. 1566.)

CHAPTER 5. GENERAL POWERS AND DUTIES

(Chapter 5 added by Stats. 1961, Ch. 565)

13851. The district board shall have perpetual succession.
(Added by Stats. 1961, Ch. 565.)

13852. The district board shall have and exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this part, including but not limited to the power:

(a) To sue and be sued.

(b) To take or acquire real or personal property of every kind or any interest therein, within the district, by grant, purchase, gift, devise or lease, and to hold, manage, occupy, dispose of, convey and encumber the same and create a leasehold interest in same for the benefit of the district.

(c) To exercise the right of eminent domain. No action in eminent domain to acquire property or interests therein outside the boundaries of the county or counties in which the district is located shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

(d) To establish, equip and maintain a fire department, and to establish and enforce rules and regulations for the administration, operation and maintenance thereof.

(e) To appoint and employ necessary employees, and to define their qualifications, duties and responsibilities, and to provide for a pay schedule and for payment in a reasonable sum for the performance of such duties.

(f) To employ counsel.

(g) To enter into and perform all necessary contracts, including but not limited to contracts for the supply and distribution of water where necessary for the purposes of fire protection, and for the furnishing of necessary services to or the receipt of such services from another district.

(h) To provide and maintain any and all special service functions necessary for the prevention of fire and for the protection of life and property from fire and panic, including the investigation of fire and prosecution of crimes of arson.

(i) To acquire and construct facilities within the district for the development, transmission, storage, and distribution of water where necessary or convenient for the purpose of providing fire protection.

(Added by Stats. 1961, Ch. 565.)

13853. The district board may purchase and maintain ambulances and operate ambulances or ambulance services within and without the district.

(Added by Stats. 1961, Ch. 565.)

13854. The district board may establish, equip, maintain and operate rescue and first aid services within and without the district.

(Added by Stats. 1961, Ch. 565.)

13855. The district board may contract with other governmental agencies. The district board may also enter into mutual aid agreements with other fire protection districts, the United States and agencies thereof, and any private firm or corporation which is engaged in the manufacture of materials or

equipment for national defense under contract with the United States, or any agency thereof, and which maintains a full-time fire department.

Any such private firm or corporation which enters into a mutual aid agreement pursuant to this section, or any employee thereof, shall have the same immunity from liability for civil damages on account of personal injury to or death of any person or damage to property resulting from acts or omissions of its fire department personnel in the performance of the provisions of the mutual aid agreement as is provided by law for districts organized and operating pursuant to this part and their employees, except when such act or omission occurs on property under the control of such firm or corporation.

(Added by Stats. 1961, Ch. 565; Amended by Stats. 1961, Ch. 1880.)

13856. The district board may, by ordinance, provide for a civil service system for employees of the district.

(Added by Stats. 1961, Ch. 565.)

13856.5. Whenever petitions signed by at least 10 percent of the qualified electors of the district are submitted to the district board, which requests that the district board provide a civil service system for employees of the district, the district board shall by ordinance provide for a civil service system for the employees of the district. Such petitions may be circulated by the employees of the district at any time when they are not on duty.

The ordinance of the district board providing for a civil service system for the employees of the district, pursuant to this section, shall not go into effect until the proposition of its approval has been submitted to the qualified electors of the district at a general or special election and has received the affirmative vote of a majority of the electors voting on the proposition. The proposition of approval shall call for a "Yes" or "No" vote and shall read in substance as follows:

"Shall the ordinance of the district board of the ----- (name of district) Fire Protection District adopting a civil service system for the employees of the district be approved?"

(Added by Stats. 1963, Ch. 1294.)

13857. The district board may require any employee of the district to be bonded, the cost of such bonds to be borne by the district.

(Added by Stats. 1961, Ch. 565.)

13858. The district board may lease or rent private vehicles or equipment owned by district employees or others and reimburse them for use of same within budgetary limitation.

(Added by Stats. 1961, Ch. 565.)

13859. The district board may enter into group hospital service contracts with hospitals and hospital districts for hospital service for the members of the district board and the employees of its fire department relating to injuries suffered by such persons in the performance of duty; and for such

purpose the fire district is construed to be a district within the meaning and effect of Section 11512.2 of the Insurance Code and other laws related thereto.

(Added by Stats. 1961, Ch. 565.)

13860. In addition to compensation insurance required by law, the district board may insure its members and employees against accidental death and injury in the performance of their duties.

(Added by Stats. 1961, Ch. 565.)

13861. Notwithstanding the provisions of Section 13859 and Section 13860 of this code, nothing herein shall be construed to limit the district board from entering into group hospital service contracts with hospitals and hospital districts for hospital service, or from adopting a system of group health, sickness, accident or disability insurance, for the benefit of its members and employees pursuant to any other procedure therefor established by law.

(Added by Stats. 1961, Ch. 565.)

13862. The district board, on behalf of its fire department, may maintain membership in any local, state or national group or association organized and operated for the promotion of the preservation of life and property from the hazards of fire and panic.

(Added by Stats. 1961, Ch. 565.)

13863. The district board may authorize the attendance of its members and employees at professional or vocational meetings and may authorize payment of reasonable expenses therefor, including transportation to and from such meetings.

(Added by Stats. 1961, Ch. 565.)

13864. The purchase of all equipment for fire protective purposes shall conform to the standardization provisions of Section 13025.

(Added by Stats. 1961, Ch. 565.)

13865. The district may adopt a seal.

(Added by Stats. 1961, Ch. 565.)

13866. The district board shall keep a record of all its acts, and of all money received and disbursed by it. The books shall be open to public inspection.

(Added by Stats. 1961, Ch. 565.)

13867. The district board may clear or order the clearing of land or remove or order the removal of dry grass, stubble, brush, rubbish, litter, or other flammable material, if, in its judgment, the flammable material endangers the public safety by creating a fire hazard. The provisions of Part 5 (commencing with Section 14875), Division 12, of this code are made applicable to districts organized and existing pursuant to this part, including, but not limited to, the provisions with respect to the assessment of property owners for the expense of abatement, and the procedure set forth therein shall apply to dry grass, stubble, brush, rubbish, litter or other flammable material which endangers the public safety by creating a fire

hazard. In the application of the provision of Part 5 (commencing with Section 14875), Division 12, to proceedings under this part, the terms "board of supervisors," or "board" when used in Part 5, shall mean the district board acting under this part; and the officers designated in Section 14890, of Part 5, shall mean the employees of the fire department designated by the district board.

(Added by Stats. 1961, Ch. 565.)

13868. The district board may clear any or all town lots, homesites, villa lots, or lands immediately adjacent within the district of dry grass, weeds, stubble, brush, rubbish, litter, or other flammable material.

(Added by Stats. 1961, Ch. 565.)

13869. The district board may, after publication of notice and hearing adopt and enforce reasonable ordinances for the prevention and suppression of fires and conflagrations and for the protection and preservation of life and property against the hazards of fire and conflagration.

(Added by Stats. 1961, Ch. 565.)

13870. Each ordinance shall be signed by the members of the district board and published. Copies of all district ordinances shall be available, in the office of the district board, for public distribution.

(Added by Stats. 1961, Ch. 565.)

13871. Notwithstanding the provisions of Section 13870, the district board may by ordinance adopt a fire prevention code by reference in the same manner as legislative bodies of local agencies are authorized to adopt primary and secondary codes by reference pursuant to Sections 50022.1 to 50022.8, inclusive, of the Government Code, and for the purposes of such sections of the Government Code the district board shall be deemed a legislative body and the district shall be deemed a local agency.

No penalty clauses or sanctions contained in any fire prevention code adopted by reference pursuant to this section shall be effective.

Every person who violates any provision of an ordinance adopted pursuant to this section or of a fire prevention code adopted by reference in such ordinance is guilty of a misdemeanor.

(Added by Stats. 1961, Ch. 565.)

13872. The district board may provide by ordinance for the issuance of citations by the chief of the fire department of the district, or his duly authorized agent, for violations of district ordinances in the same manner as a county, city, or city and county is authorized to so provide by Chapter 5b (commencing with Section 853.1), Title 3, Part 2 of the Penal Code.

(Added by Stats. 1961, Ch. 565.)

13873. Every person who violates any of the provisions of a district ordinance adopted pursuant to Section 13869, or who fails or refuses to correct or eliminate a fire or life

hazard after written order of the district board or its authorized representative, or who falsely personates a member of the district board or any officer of the district is guilty of a misdemeanor.

(Added by Stats. 1961, Ch. 565.)

13874. If any person who has been ordered, pursuant to Section 13873, to correct or eliminate a fire or life hazard believes that strict compliance with the order would cause undue hardship, he may, within 10 days, present a written request to the district board for a hearing on and a review of such order. The request shall state the reasons therefor, and the district board shall, within 30 days of the receipt of same, hold a hearing, and may, if they determine that the circumstances appear to justify such action, modify, vacate, or affirm the order.

(Added by Stats. 1961, Ch. 565.)

13875. The officers of a fire department of the district shall have the powers of peace officers while engaged in the performance of their duties with respect to the prevention and suppression of fires and the protection and preservation of life and property against the hazards of fire and conflagration.

(Added by Stats. 1961, Ch. 565.)

13876. If, within any area of the district, the district board has established regulations for the control of open fires, no person desiring or required to burn flammable material shall do so except under a permit issued by the district. No permit to burn flammable materials shall be issued in conflict with burning regulations of an air pollution control district, or regulations established pursuant to the Public Resources Code.

(Added by Stats. 1961, Ch. 565.)

13877. The district board shall encourage the adoption of fire prevention measures by means of education, and may prepare or cause to be prepared and disseminated information relating to the subject of fire prevention and extinguishment.

(Added by Stats. 1961, Ch. 565.)

13878. The district board may establish or cause to be established a program of firemen's training or may authorize the participation of district firemen in such a program as otherwise established.

(Added by Stats. 1961, Ch. 565.)

13879. The district board may authorize the use of the apparatus, equipment, and firefighting force of the district for the purpose of extinguishing any fire occurring outside the territory of the district, upon such terms and conditions as the district board may prescribe.

(Added by Stats. 1961, Ch. 565.)

13880. When more than one district is governed by the same governing body, the governing body may:

(a) Adopt the same set of civil service rules, regulations, and procedures for any or all districts.

(b) Authorize one examination for the combined districts for each rank of candidates, to establish one eligible list, per-

mit qualified candidates to transfer from one district to another, in the interest of efficiency, and allow requested changes in assignment.

(c) Adopt one seniority list to be used in the layoff of all employees of the combined districts. Persons laid off due to lack of work shall be eligible for re-employment and shall be re-employed in preference to new applicants.

(Added by Stats. 1961, Ch. 565.)

13881. The board of supervisors may change to district status any employee of a county fire warden department and the status of any district employee may be changed to that of a county employee, subject to charter provisions relating to civil service, and the rules, regulations, and procedures of the civil service commission of the county employing the employee and the approval of the district board.

(Added by Stats. 1961, Ch. 565.)

13882. If the civil service commission or body performing the functions thereof for the district finds that any person has been employed by a city which has, or any portion of which has, been annexed to or included within a district, in a position the duties of which, and the qualifications for which are substantially the same as those of any position in the district, at the request of the governing body of the district, the civil service commission or such other body, may certify, without examination, such person as eligible to hold such district position. If a person is employed by a district after certification without examination by the civil service commission or similar body because of his employment in a position of similar duties by a city, all time employed in such city position shall be considered as time employed by the district, for the purpose of determining seniority rights and salary rates.

(Added by Stats. 1961, Ch. 565.)

13883. In fixing compensation to be paid to persons employed by the district subject to a civil service system adopted pursuant to Section 13856 the board, in each instance, shall provide a salary or a wage at least equal to the prevailing salary or wage for the same quality of service rendered to private persons under similar employment in case such prevailing salary or wage can be ascertained. This section shall be operative only as to districts the governing body of which is the board of supervisors of a county which is operating under a freeholders' charter that makes the same requirement as to the fixing of salaries or wages for persons employed by the county, subject to the civil service system of such county.

(Added by Stats. 1963, Ch. 895.)

CHAPTER 6. PROVISIONS RELATING TO ELECTIONS

(Chapter 6 added by Stats. 1961, Ch. 565)

13891. The district board shall call elections, subsequent to the organization of the district, and the provisions of Section 58171 of the Government Code notwithstanding, notice of each

election shall be given as provided in Article 1 (commencing with Section 58000), Chapter 1, Division 1, Title 6 of the Government Code. No other notice of such elections need be given, and neither sample ballots nor polling place notices need be mailed for such elections.

(Added by Stats. 1961, Ch. 565.)

13892. Where a district has not already been formed the county clerk shall perform such duties as may be required incident to the election, which duties would otherwise normally be performed by the district board or the secretary thereof.

(Added by Stats. 1961, Ch. 565.)

13893. All district elections shall be called, held and conducted in all respects as nearly as practicable in conformity with the provisions of law governing elections in general law cities except as otherwise provided herein.

(Added by Stats. 1961, Ch. 565.)

13894. No person shall be a candidate for or be appointed to or hold office on the district board unless he is a voter of the district or proposed district.

(Added by Stats. 1961, Ch. 565.)

13895. The ballots used at elections on propositions shall set them forth in terms conforming to the requirements of law for elections on measures in cities.

(Added by Stats. 1961, Ch. 565.)

13896. The expense of the election held relative to the formation of a district shall be paid by the county if the proposition fails to carry, but if the formation is approved such expense shall be a charge against the district and repaid to the county from the first moneys collected by the district. The expense of all other elections shall be a charge against the district.

(Added by Stats. 1961, Ch. 565.)

CHAPTER 7. FINANCE, TAXATION AND BONDS

(Chapter 7 added by Stats. 1961, Ch. 565)

13901. The district board may, for any purpose for which the district is authorized to expend funds without the necessity of calling or holding an election in the district, borrow money and incur indebtedness in anticipation of the revenue for the current year in which the indebtedness is incurred or of the ensuing year thereafter. Such indebtedness shall not exceed 85 percent of the estimated tax income for the current year.

(Added by Stats. 1961, Ch. 565.)

13902. On or before the 15th day of May of each year the district board shall estimate and determine the annual amount of money required for the district and shall adopt a preliminary budget which shall be detailed in conformity with the Uniform Accounting Procedures for Counties set forth in the **California Administrative Code**.

(Added by Stats. 1961, Ch. 565; amended by Stats. 1963, Ch. 426.)

13903. On or before the 15th day of May of each year the district board shall publish a notice stating:

(a) That the preliminary budget has been adopted and is available at a time and at a place within the district, specified in the notice, for inspection by interested taxpayers.

(b) That on a specified date and at a specified time and place the district board will meet for the purpose of fixing the final budget, and that any taxpayer may appear and be heard regarding the increase, decrease, or omission of any item of the budget or for the inclusion of additional items.

The notice required by this section shall be published pursuant to Section 6066 of the Government Code in at least one newspaper published in the district. The first publication shall be at least two weeks prior to the date specified for the meeting of the district board. If there is no newspaper published in the district, the notice shall be posted in three public places in the district not less than two weeks prior to the date specified for the meeting of the district board. No other notice of the meeting need be given.

(Added by Stats. 1961, Ch. 565.)

13904. At the time and place designated in the published notice for the meeting, any taxpayer may appear and be heard regarding the increase, decrease, or omission of any item of the budget or for the inclusion of any additional items.

(Added by Stats. 1961, Ch. 565.)

13905. The hearing on the budget may be continued from time to time until concluded.

(Added by Stats. 1961, Ch. 565.)

13906. The district board shall report the final budget to the board of supervisors or to each board of supervisors concerned, after the budget hearing but not later than the first day of July of each year, after making any changes in the preliminary budget it deems advisable during or after the hearing, including deductions, increases, or additions.

(Added by Stats. 1961, Ch. 565.)

13907. The board of supervisors of each county concerned shall, at the time of levying the county taxes, levy a tax upon all the property taxable by the district lying within the county, sufficient to meet the amount set forth in the final budget submitted by the district board.

The tax levied within the incorporated areas of the district may be sufficiently higher than that levied within the unincorporated area in order to defray the cost of furnishing additional fire protection and prevention desired by such areas.

(Added by Stats. 1961, Ch. 565.)

13908. On or before the first day of July in any year the governing body of any city, the area of which is located entirely or partially within a district or districts, may elect to pay out of municipal funds the whole or a stated percentage of the amount of taxes which will be levied for district purposes for the fiscal year commencing upon said first day of July upon property located within such city.

The election shall be made by the adoption of an order reciting that the city, pursuant to this section, elects to pay the whole or a stated percentage of the amount of taxes which will be levied by the district upon property located within the incorporated limits of the city and stating the time and manner in which payment shall be made.

Upon the adoption of the order a certified copy of same shall be presented to the governing body of the district for its approval. If the governing board of the district is satisfied that the financial condition of the city reasonably will assure such payment and if the time and manner of payment is acceptable, the board shall by order approve the city's election to pay the taxes. Immediately upon the adoption of the order approving the city's election to pay the taxes, certified copies of both orders shall be filed with the county auditor, county assessor, and county tax collector.

Thereafter, if the whole of the taxes which are levied on property within the city is to be paid by the city, the county auditor shall not extend the district tax on such property, or if only a percentage of the tax which is levied on such property is to be paid by the city the auditor shall only extend the balance of the district tax on such property.

If the payment made by any city exceeds the total amount of district taxes which have been levied against property within the city, the amount of such excess without interest shall be refunded to the city prior to the close of the fiscal year for which the payment was made.

Any election to pay taxes pursuant to this section shall be effective only for the fiscal year for which made.

(Added by Stats. 1961, Ch. 565; amended by Stats. 1961, Ch. 1677, and by Stats. 1963, Ch. 61.)

13909. The taxes so levied shall be computed and entered on the assessment roll and collected at the same time and in the same manner as county taxes, and when collected shall be placed in the county treasury for use of the district. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such taxes.

(Added by Stats. 1961, Ch. 565.)

13910. On finding of emergency affecting the ability of the district to furnish adequate fire protection, the district board may, by resolution adopted by unanimous vote, provide the moneys received but not specifically set forth as revenue in the adopted budget be made available for appropriation and expenditure during the current fiscal year.

The district board may further provide by resolution for transfers or revisions of unencumbered funds within the general classes of the adopted budget, other than transfers from the capital outlay reserve.

(Added by Stats. 1961, Ch. 565.)

13911. The district board may establish a reserve for capital outlays. If such reserve is established, the board shall declare the purposes for which the reserve is to be used and shall include in the annual tax levy for the district an item stating the amount to be included for such purposes.

(Added by Stats. 1961, Ch. 565.)

13912. At any time after the creation of a capital outlay reserve, the board may transfer to such reserve any unencumbered surplus reserve remaining to the credit of the district at the end of any fiscal year.

(Added by Stats. 1961, Ch. 565.)

13913. Whenever a capital outlay reserve is established, it shall be used only for the purposes specified at the time the reserve was established except that if, at the beginning of every fiscal year, it is found that the reserve is no longer required for such purposes, the board may, by unanimous vote, discontinue the reserve or transfer so much thereof as is no longer required for such purposes to the district general fund.

(Added by Stats. 1961, Ch. 565.)

13914. The county treasurer shall act as the treasurer of the district, and shall receive no compensation for the receipt and disbursement of money of the district.

(Added by Stats. 1961, Ch. 565.)

13915. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1961, Ch. 565.)

13916. Subject to the provisions of Section 13915, claims against the district shall be audited, allowed, and paid by the district board by warrants drawn on the county treasurer. As an alternative, the district board may instruct the county auditor to audit, allow and draw his warrant on the county treasurer, for all legal claims presented to him and authorized by a majority of the district board. The county treasurer shall pay the warrants in the order in which they are presented.

(Added by Stats. 1961, Ch. 565.)

13916.5. Notwithstanding the provisions of Section 13916, the district board may, by resolution, provide for the establishment of a petty cash fund, in an amount not to exceed fifty dollars (\$50), to be used to pay small bills directly. The resolution which provides for the establishment of the petty cash fund shall designate all of the following:

(a) The maximum amount of the fund.

(b) The purposes for which the fund may be expended.

(c) The officer who shall have authority to make disbursements from the fund and be responsible for keeping accounts of all disbursements.

(d) The officer who shall have authority to draw a warrant on the county treasurer to establish the fund and who shall have the authority to draw warrants on the county treasurer

for the purpose of reimbursement of the fund. Each warrant which is drawn on the county treasurer to reimburse the fund for disbursements which have been made shall contain an itemized account of such disbursements.

(Added by Stats. 1963, Ch. 1187.)

13917. When any warrant of the district, properly drawn on any fund in the official custody of the county treasurer, is presented to the county treasurer for payment, and it is not paid for want of funds, the county treasurer shall endorse thereon "not paid for want of funds" and the date and time of presentation and sign his name thereto. From that time until paid the warrant bears interest at the rate of not to exceed 7 percent a year.

(Added by Stats. 1961, Ch. 565.)

13918. Whenever the district board deems it necessary for the district to incur a general obligation bonded indebtedness for (a) the acquisition, construction, completion, or repair of any or all improvements, works, or property mentioned in this chapter, or (b) the funding or refunding of any outstanding indebtedness of the district, including premiums, if any be payable, the district board shall, by resolution, so declare and call an election to be held in the district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the district.

(Added by Stats. 1961, Ch. 565.)

13919. The resolution shall state:

(a) The purpose for which the proposed debt is to be incurred, which may include expenses of the proceedings for the authorization, issuance, and sale of the bonds.

(b) The amount of debt to be incurred.

(c) The maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 30 years.

(d) The maximum rate of interest to be paid, which shall not exceed 6 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of the year.

(e) The measure to be submitted to the voters.

(f) The date upon which an election shall be held for the purpose of authorizing the bonded indebtedness to be incurred.

(g) The designation of the precincts, the location of the polling places, and the names of the officers selected to conduct the election.

(Added by Stats. 1961, Ch. 565.)

13920. Notice of the holding of the election shall be given by publishing the resolution calling the election pursuant to Section 6066 of the Government Code in at least one newspaper published in the district. The first publication shall be at least two weeks prior to the date of the election. If there is no newspaper published in the district, the resolution shall be posted in three public places in the district not less than two

weeks prior to the date of the election. No other notice of the election need be given.

(Added by Stats. 1961, Ch. 565.)

13921. At the election any qualified and registered elector residing within the district may vote. The returns of the election shall be made, the votes canvassed, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code governing elections in general law cities, except as in this part otherwise provided.

(Added by Stats. 1961, Ch. 565.)

13922. No irregularities or informalities in conducting the election shall invalidate the election, if the election shall have been otherwise fairly conducted.

(Added by Stats. 1961, Ch. 565.)

13923. If from the returns it appears that more than two-thirds of the votes cast upon the measure were in favor of and assented to the incurring of the general obligation bonded indebtedness, then the district board may, by resolution, at such time or times as it deems proper, issue bonds of the district for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of the bonds authorized shall have been issued.

(Added by Stats. 1961, Ch. 565.)

13924. The full amount of bonds may be divided into two or more series and different dates fixed for the bonds of each series. The maximum term which the bonds of any series shall run before maturity shall not exceed 30 years from the date of each series, respectively.

(Added by Stats. 1961, Ch. 565.)

13925. The district board shall, by resolution, prescribe the form of the bonds and the form of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment or principal may be deferred for a period of not more than five years from the date of the bonds or the date of the bonds of each series, respectively.

(Added by Stats. 1961, Ch. 565.)

13926. The bonds shall bear interest at a rate, or rates, not to exceed 6 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of the year.

(Added by Stats. 1961, Ch. 565.)

13927. The district board may also provide for the call and redemption of bonds prior to maturity at such time and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

(Added by Stats. 1961, Ch. 565.)

13928. The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars (\$100).

(Added by Stats. 1961, Ch. 565.)

13929. The principal and interest shall be payable in lawful money of the United States at the office of the county treasurer or at such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

(Added by Stats. 1961, Ch. 565.)

13930. The bonds shall be dated, numbered consecutively, and be signed by the presiding officer of the district and the county treasurer. The interest coupons of such bonds shall be signed by the county treasurer of said district. All such signatures and countersignatures may be printed, lithographed, or mechanically reproduced, except that one of the signatures on said bonds shall be manually affixed.

If any officer whose signature appears on any bonds or coupons ceases to be an officer before the delivery of the bonds to the purchaser, the signature either on the bonds or the coupons, or on both, is nevertheless valid and sufficient for all purposes the same as if the officer had remained in office until the delivery of the bonds, and the signature upon the coupons of the person who is county treasurer at the date of the bonds is valid although the bonds themselves may be attested by a different person who is county treasurer at the time of delivery of the bonds.

(Added by Stats. 1961, Ch. 565.)

13931. Before selling the bonds or any part thereof, the board shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

(Added by Stats. 1961, Ch. 565.)

13932. All premiums and accrued interest received shall be deposited with the county treasurer in a special bond service fund to be used for the payment of principal of and interest on the bonds, and the remainder of the proceeds of the bonds shall be placed to the credit of the proper improvement fund and applied exclusively to the purpose and object recited in the proposition; provided, however, that when the purpose and object have been accomplished any moneys remaining in the improvement fund shall be transferred to the special bond service fund. When the purpose and object have been accomplished and all principal and interest on the bonds have been paid, any balance of money then remaining shall be transferred to the general fund of the district.

(Added by Stats. 1961, Ch. 565.)

13933. Any general obligation bonds issued by a district are hereby given the same force, value, and use as bonds issued by any city and the bonds and the interest thereon shall be exempt from all taxation within the State of California.

(Added by Stats. 1961, Ch. 565.)

13934. The district shall not incur a bonded indebtedness exceeding 10 percent of the assessed value of all the taxable property in the district.

(Added by Stats. 1961, Ch. 565.)

13935. After the incurring of any general obligation indebtedness, whether evidenced by bonds, notes, or other similar evidences of indebtedness, and annually thereafter until such indebtedness is paid or until there is a sum in the county treasury in a special bond service fund set apart for that purpose sufficient to meet all payments of principal of and interest on such indebtedness as it becomes due, the district board shall cause a tax to be levied, as herein provided, sufficient to pay such interest and principal as will become due before the proceeds of a tax levied at the next general tax levy will be available. The tax shall be in addition to all other taxes levied for the district and shall be collected in the same manner and at the same time as county taxes.

(Added by Stats. 1961, Ch. 565.)

13936. The board of supervisors shall, in fixing the rate of the tax for bonds issued under this part, allow not to exceed 15 percent for anticipated delinquencies.

If the board of supervisors fail to do so, the county auditor shall fix the rate of the tax for bonds issued under this part.

(Added by Stats. 1961, Ch. 565.)

13937. All costs incurred by the county in connection with the issuance of bonds pursuant to this part shall be reimbursed to it by the district issuing the bonds.

(Added by Stats. 1961, Ch. 565.)

CHAPTER 8. CONTRACTS

(Chapter 8 added by Stats. 1961, Ch. 565)

13941. Owners or occupants of property in the vicinity of the district, when such property is not included within the territory of any city or any other governmental agency providing fire protection, may contract with the district for one year or more for fire protection service for the property described in the contract. Such contract shall provide for fixed annual payment of agreed amount by such contracting party to the district, to be paid in advance at the date of the making of such contract, and on the even date thereof for each subsequent year covered by the contract.

(Added by Stats. 1961, Ch. 565.)

13942. Any city, all or part of which is included within the boundaries of a district, may if it desires provide for acquiring and maintaining firefighting implements, apparatus and equipment, including water mains, hydrants, and water, in addition

to those acquired and maintained therein by the district. The city may defray the cost of acquiring and maintaining such additional firefighting implements, apparatus and equipment from the general tax revenues of the city and may contract with the district regarding the acquisition, maintenance and use thereof.

(Added by Stats. 1961, Ch. 565.)

CHAPTER 9. CHANGE IN BOUNDARIES

(Chapter 9 added by Stats. 1961, Ch. 565)

13945. At any time after the formation of a district, the district board may, by resolution, determine that territory not included within a fire district should be annexed to the district. A verified copy of the resolution shall be transmitted to the board of supervisors.

(Added by Stats. 1961, Ch. 565.)

13946. A petition for the annexation of territory not included within a fire district to a district, which is signed by 25 percent of the registered voters in the territory proposed to be annexed, may be filed with the board of supervisors.

(Added by Stats. 1961, Ch. 565.)

13947. The board of supervisors, upon receipt of a resolution or petition which proposes the annexation of territory to a district shall proceed in the manner that is prescribed in Article 8 (commencing with Section 58230), Chapter 1, Division 1, Title 6 of the Government Code for a governing body to proceed upon the filing of a petition. For the purpose of Section 58238 of the Government Code, the requisite number of petitioners protesting annexation shall be more than 10 percent of the registered voters in the area proposed to be annexed. In any event, if the board of supervisors finds that protest has been made by the owners of real property within the area proposed to be annexed the assessed value of which, as shown by the last equalized assessment roll, constitutes more than half of the total assessed value of the real property within the area proposed to be annexed, the proceeding may be terminated by the board of supervisors.

(Added by Stats. 1961, Ch. 565.)

13948. Any city, or portion thereof, may be included within a district upon the adoption of an ordinance by the city governing body requesting the inclusion which is approved by the district board. The district board may require as a condition to the inclusion that the city or portion thereof included within the district remain a part of the district for a period of time not to exceed 10 years. Upon the expiration of the period of time set forth in the conditions or, if none, at any time, the legislative body of the city may provide by ordinance for the withdrawal of the territory of the city from the district. The withdrawal shall be effective upon the filing of a certified copy of the ordinance with the Secretary of State and the governing body of the district or on the date fixed by the

legislative body of the city whichever is later. Where the withdrawal is effective on or before February 1st of the fiscal year the district shall furnish fire protection services to the territory withdrawn until the first day of July next succeeding. Where the withdrawal is effective subsequent to February 1st of the fiscal year and the territory is subject to district taxation for the succeeding fiscal year the district shall furnish fire protection services to the territory until the 30th day of June of the fiscal year next succeeding. Other land may be included in a district by order of the board of supervisors if the board of supervisors determines by resolution that the land will be benefited by being included within the district; provided, however, that no land may be included by the board of supervisors within the territory of a district having a district board composed of three or five members elected as provided in this part without the approval of the district board of such district.

(Added by Stats. 1961, Ch. 565; amended by Stats. 1961, Ch. 1677.)

13949. The district board may exclude land from a district if it determines, by resolution, that the land will not be benefited by remaining in the district. Upon the exclusion of any territory from a district, if the remainder of the district continues to exist as such, all property previously acquired by the district shall remain vested in the district and be used for purposes of the district.

(Added by Stats. 1961, Ch. 565; amended by Stats. 1961, Ch. 1677.)

13950. Whenever all of the territory in a district is annexed to, or otherwise included within, any city, the district may be dissolved. Such dissolution shall be effective upon the filing with the State Board of Equalization, the governing body of the district, the county clerk or registrar of voters, and the county assessor, of copies of a resolution of the legislative body of the city, describing the district and declaring such district dissolved; provided, that if the district is not dissolved within one year after the effective date of the inclusion, the district may be dissolved thereafter only pursuant to the provisions of Chapter 10 (commencing with Section 13965). Upon the dissolution of the district, the property of the district becomes the property of the city.

(Added by Stats. 1961, Ch. 565.)

13951. Whenever all of the territory of a district is annexed to, or otherwise included within, two or more cities, the district may be dissolved in the manner set forth in Section 13950, and the board shall apportion the property of the district and its unexpended funds between the cities in proportion to the respective assessed valuations of the property annexed to each city.

(Added by Stats. 1961, Ch. 565.)

13952. Whenever any portion of a district is included within a city by annexation such portion may be withdrawn

from the district. The legislative body of the city may within one year after the annexation proceedings are complete provide by resolution that such territory shall be withdrawn from the district. Such withdrawal shall be effective on the date fixed by the legislative body of the city, which date shall not be more than two years after the annexation proceedings are complete. Where the withdrawal is effective on or before February 1st of the fiscal year the district shall furnish fire protection services to the territory until the first day of July next succeeding. Where the withdrawal is effective subsequent to February 1st of the fiscal year and where the territory is subject to district taxation and assessment the district shall furnish fire protection services to the territory until the 30th day of June of the fiscal year next succeeding.

If the portion of the district included within a city by annexation is not withdrawn within two years after the annexation is complete, or before January 1, 1962, whichever is later, it may be withdrawn thereafter only by the adoption of a measure authorizing such withdrawal by a majority of the voters at a city election held pursuant to the provisions of Part 2 (commencing with Section 9480), Division 11 of the Elections Code.

(Added by Stats. 1961, Ch. 565.)

13953. Whenever any portion of a district is included within a city by reason of the incorporation of the city, such portion may be withdrawn from the district by resolution of the governing body of the city within one year after the effective date of the incorporation of the city. If not withdrawn within one year, it may be withdrawn thereafter only by adoption of a measure authorizing such withdrawal by a majority of the voters at a city election held pursuant to the provisions of Part 2 (commencing with Section 9480), Division 11 of the Elections Code.

(Added by Stats. 1961, Ch. 565.)

13954. Upon the withdrawal of any territory of a district, by inclusion within a city:

(a) If the assessed value of the real property within the area withdrawn represents one-half of 1 percent, or less, of the total assessed value of the real property within the district prior to the withdrawal, as determined from the last equalized assessment roll of the property within the district, all of the property and assets of the district shall be retained by the district.

(b) If the assessed value of the real property in the area withdrawn exceeds the amount prescribed by subdivision (a), the city and the district shall have six months from the effective date of the withdrawal in which, after giving consideration to all factors involved, including population, assessed valuation, the effect of the annexation or change of boundaries on the remaining portion of the district, the length of time the portion being withdrawn has paid taxes and the total amount of such taxes paid, and such other matters as should be con-

sidered in arriving at an equitable distribution, they may establish a mutually agreeable basis for the distribution of the property and assets of the district between the city and the remaining district. If, within such period a mutually agreeable basis is reached, the property and assets of the district shall be distributed between the city and the remaining district upon such basis.

(c) If, under the provisions of subdivision (b), no mutually agreeable basis for the distribution of the property and assets of the district is reached within the six-month period, on the date the district ceases to furnish fire protection service to the area withdrawn or upon the end of the six-month period, whichever is the last to occur, all of the property and unencumbered funds of the district shall be divided between the city and the remaining district in proportion to the average assessed value of the real property within the area withdrawn to the average assessed value of the real property within the entire district during the five-year period prior to the effective date of the withdrawal, as determined from the equalized assessment rolls for such period.

All funds and property received by the city shall be used exclusively and directly for the prevention and extinguishment of fires; provided, that nothing herein shall prevent the sale of property not needed for such purposes for its fair market value if the funds derived from such sale are used solely for such purposes.

For the purpose of this section, the unencumbered funds are the sum of money, uncollected taxes, and other uncollected amounts in excess of an amount sufficient to pay all claims and accounts against the district, but shall not include funds necessary for the maintenance and operation of the district for any period for which the district has the duty to provide fire protection services within the area withdrawn.

(Added by Stats. 1961, Ch. 565.)

13955. If the board of supervisors determines, by resolution, that two or more districts should be consolidated, or if the district boards of two or more districts, whether contiguous or not, determine by resolution that the districts should be consolidated and file a verified copy of the resolutions with the board of supervisors, the board of supervisors shall proceed to hold a public hearing as prescribed in Article 4 (commencing with Section 58090), Chapter 1, Division 1, Title 6 of the Government Code.

(Added by Stats. 1961, Ch. 565.)

13956. If not more than 5 percent of the registered voters in any district which it is proposed to consolidate protest the consolidation, the board of supervisors may, by resolution declare the districts consolidated. If more than 5 percent of the registered voters of any district protest the consolidation, the board of supervisors shall either call an election in such district as prescribed in Article 6 (commencing with Section 58160), Chapter 1, Division 1, Title 6 of the Government Code or

abandon the proceeding for the consolidation of the districts. If a majority of the voters voting at each election which is held vote in favor of the consolidation, the board of supervisors may, by resolution, declare the districts consolidated. No district in which a majority of the voters voting vote against the consolidation shall be included in a consolidation. The board of supervisors may, by resolution, declare the remaining districts consolidated, or may abandon the proceedings for the consolidation.

(Added by Stats. 1961, Ch. 565.)

13957. If the method of selection of the members of the board of directors of each district which is consolidated is the same, that method of selection shall be the method of selection of the board of directors of the consolidated district. If the method of selection of the members of the board of directors of two or more districts which are consolidated is different, the board of supervisors shall call and hold an election, in accordance with the provisions of Part 2 (commencing with Section 9480) of Division 11 of the Elections Code, in the consolidated district for the purpose of submitting to the voters of the consolidated district, the method of selection of the members of the board of directors, together with the nominees for the members of an elective board. The members of an elective board shall be determined and hold office as prescribed in Chapter 4 (commencing with Section 13831).

(Added by Stats. 1961, Ch. 565.)

13958. Territory excluded or withdrawn from the district shall continue to be subject to taxation for the payment of the principal of and interest on any indebtedness, whether evidenced by bonds, notes, or other similar evidences of indebtedness and for all other obligations of the district outstanding at the time of adoption by the district board of the order ordering withdrawal or exclusion as fully as though the territory had not been withdrawn or excluded; and for the purpose of discharging the indebtedness and interest thereon and other obligations, the territory shall be considered a part of the district the same as though not withdrawn or excluded; and all provisions which could have been used to compel the payment by the withdrawn or excluded territory of its portion of the indebtedness and interest thereon and other obligations had the withdrawal or exclusion not occurred can be used to compel the payment on the part of the withdrawn or excluded territory of the portion for which it is liable.

(Added by Stats. 1961, Ch. 565.)

13959. Upon the filing required by Section 58268 of the Government Code, and in addition to the provisions of Section 58269 of the Government Code, the consolidated district shall succeed to all the funds and other property, and be subject to all the indebtedness, bonded or otherwise, of the consolidated districts.

(Added by Stats. 1961, Ch. 565.)

13960. Upon the consolidation of two or more districts, the employees of each district consolidated shall be blanketed into the employment of the consolidated district. The relative standing with respect to seniority and position of all employees blanketed into the employment of the consolidated district shall be determined upon the basis of their position and the seniority credits to which each such employee was entitled by virtue of his prior service in the districts.

(Added by Stats. 1961, Ch. 565.)

CHAPTER 10. DISSOLUTION OF DISTRICT

(Chapter 10 added by Stats. 1961, Ch. 565)

13965. If a petition signed by at least 25 percent of the registered voters in a district requesting the dissolution of the district is filed with the district board, the district board shall, by resolution, call and publish notice of an election on dissolution.

(Added by Stats. 1961, Ch. 565.)

13966. The election on dissolution shall be conducted in accordance with Article 10 (commencing with Section 58300), Chapter 1, Division 1, Title 6 of the Government Code, except that only a majority vote in favor of dissolution shall be required for the dissolution of the district.

(Added by Stats. 1961, Ch. 565.)

13967. A district may also be dissolved by order of the board of supervisors if the board of supervisors determines, by resolution, that the territory remaining in the district after a withdrawal of territory from the district would not be benefited by the continued existence of the district.

(Added by Stats. 1961, Ch. 565.)

13968. The provisions of Article 10 (commencing with Section 58300), Chapter 1, Division 1, Title 6 of the Government Code shall govern the disposition of the property and the winding up of the affairs of a dissolved district.

(Added by Stats. 1961, Ch. 565.)

13969. Upon the dissolution of the district all the funds of the district remaining on hand shall be divided between any city and county in the proportion that the total assessed value of the real property of the territory of the district in the city and without the city bears to the total assessed value of the real property within the district prior to dissolution, as determined by the last equalized assessment roll of the county or counties.

(Added by Stats. 1961, Ch. 565.)

13970. Upon dissolution of a district, the territory of the district shall continue to be subject to taxation for the payment of the principal of and interest on any indebtedness, whether evidenced by bonds, notes, or other similar evidences of indebtedness and for all other obligations of the district outstanding at the time of adoption of the order ordering dissolution as fully as though the district had not been dissolved; and all provisions which could have been used to

compel the payment by the territory of the district of said indebtedness and interest thereon and other obligations had the dissolution not occurred can be used to compel the payment on the part of the territory of the dissolved district.

(Added by Stats. 1961, Ch. 565.)

CHAPTER 11. REORGANIZATION

(Chapter 11 added by Stats. 1961, Ch. 565.)

13975. Any fire department or district organized or reorganized under the acts which this part supersedes, or under this part, or organized under any of the provisions of Part 3 (commencing with Section 14001), may be reorganized as a district under this part.

(Added by Stats. 1961, Ch. 565.)

13976. Fifty or more taxpayers or registered voters of a district, or a majority of the governing body may petition the board of supervisors of the county in which the fire department or district is situated for reorganization.

(Added by Stats. 1961, Ch. 565.)

13977. The petition shall be verified by at least one of the petitioners, and shall set forth the boundaries and name of the district and pray that the fire department or district be reorganized under this chapter. The petition shall also specify one of the methods prescribed by Section 13831 of selecting the board of directors of the district. If the method specified is the election of the board of directors, the petition shall either specify that the board shall be composed of three members or of five members.

(Added by Stats. 1961, Ch. 565.)

13978. The petition shall be published by the board of supervisors for at least two weeks preceding the hearing in a newspaper of general circulation published in the county, with a notice stating the time when the petition will be heard and that all persons interested may appear and be heard.

(Added by Stats. 1961, Ch. 565.)

13979. At the time fixed for hearing the board of supervisors shall hear the petition.

(Added by Stats. 1961, Ch. 565.)

13980. The board of supervisors shall not modify the boundaries of the fire department or district as set forth in the petition so as to exclude from the fire department or district any land within the boundaries of the previously formed fire department or district at the time of the filing of the reorganization petition.

(Added by Stats. 1961, Ch. 565.)

13981. Any territory originally within the boundaries of the previously formed district shall not be excluded from the boundaries of a district reorganized pursuant to this part by reason of the fact that at the time of the filing of the petition for reorganization the territory shall then be included within a city.

(Added by Stats. 1961, Ch. 565.)

13982. If the board of supervisors finds that the statements in the petition are correct it may make an order describing the exterior boundaries of the territory included within the district as determined by the board and may order that the territory be organized as a district under this part.

(Added by Stats. 1961, Ch. 565.)

13983. From and after the making of the order, the fire department or district is organized as a district under this part with all the powers conferred in this part.

(Added by Stats. 1961, Ch. 565.)

13984. Reorganization shall not affect or impair the status or rights of any duly appointed employees of the fire department or district. Reorganization shall not affect or impair the status or rights of the governing body of the fire department or district if the petition for reorganization specifies (a) that the same elected board without change in number be retained; or (b) that the district board should be selected in the manner prescribed by subdivision (c) of Section 13831, except that a board of three or five directors, as prescribed in the petition for reorganization, shall be elected as provided in Chapter 4 (commencing with Section 13831) of this part at the next district election in April following the date of reorganization of the fire department or district under this part. The terms of the directors so elected shall be determined in the same manner as provided in Chapter 4 of this part in connection with the formation of a district hereunder.

(Added by Stats. 1961, Ch. 565.)

13985. The reorganization shall not affect or impair the title to any property owned or held by, or in trust for, the district, or any debts, demands, liabilities, or obligations existing in favor of or against the district, or any pending proceedings.

(Added by Stats. 1961, Ch. 565.)

13986. Any and all such titles, debts, demands, liabilities, obligations, and proceedings shall have the same validity, force and effect as if acquired, incurred, accrued, or taken while the district was organized under the provisions of this part.

(Added by Stats. 1961, Ch. 565.)

13987. Reorganization shall not operate to repeal or affect in any manner any ordinance theretofore passed or adopted and remaining unrepealed nor to discharge any person from any liability then existing for any violation of such ordinance. Such ordinances, so far as they are not in conflict with general laws shall remain in force until repealed or amended by competent authorities.

(Added by Stats. 1961, Ch. 565.)

13988. After reorganization, proceedings theretofore commenced shall be conducted in accordance with this part.

(Added by Stats. 1961, Ch. 565.)

13989. The legality or existence of a fire department or district reorganized as provided for in this part shall not be affected by reason of any defect or illegality in the formation

of the previously formed fire department or district. It is the intention of this chapter to provide a procedure for the reorganization as a district under this chapter of all fire departments or districts as may not have legal existence or may desire to be governed by this part.

(Added by Stats. 1961, Ch. 565.)

CHAPTER 12. CREATION OF SPECIAL FIRE PROTECTION ZONES

(Chapter 12 added by Stats. 1961, Ch. 565.)

13991. The district board may on its own motion, or upon the filing of a petition with the district board signed by 51 percent of the taxpayers, or the owners of 51 percent of the property, based on assessed valuation, in a specific area, the district board shall, by resolution, initiate proceedings for the creation of a special fire protection zone in the district for the purpose of paying for the installation of capital improvements such as fire mains, fire plugs, or any other similar improvement, which is of sole benefit to the territory in a zone, or for purchase of equipment or employment of personnel over and above the equipment and personnel which the district can afford to furnish to a zone out of its general district tax.

(Added by Stats. 1961, Ch. 565.)

13992. The district board may on its own motion, or upon the filing of a petition with the district board signed by 51 percent of the taxpayers, or the owners of 51 percent of the property, based on assessed valuation, in a specific rural or agricultural area where the number of registered voters per square mile is 300 or less, the district board shall, by resolution, initiate proceedings for the creation of a special minimum fire protection zone in the district in which only the improvements shall be subject to taxation by the district.

(Added by Stats. 1961, Ch. 565.)

13993. The resolution initiating the proceedings shall describe the boundaries of the proposed special fire protection zone, declaring that public interest and necessity demands its creation, and the reasons therefor, and set a date for a public hearing on the question of the creation of the zone before the district board.

(Added by Stats. 1961, Ch. 565.)

13994. Notice of the hearing shall be given by the publication of a copy of the resolution in the manner prescribed for the publication of notices in Article 1 (commencing with Section 58000), Chapter 1, Division 1, Title 6 of the Government Code.

(Added by Stats. 1961, Ch. 565.)

13995. Any person interested, at or before the hearing, may file with the district board a written objection to the creation of the zone or to the inclusion of his property in it. At the

hearing the district board shall hear and determine all protests and objections. At the conclusion of the hearing the district board shall decide and determine whether the zone shall be formed with the boundaries as described in the original resolution, except that it may revise the proposed boundaries by reducing the size of the zone.

(Added by Stats. 1961, Ch. 565.)

13996. The district board shall levy a tax upon all taxable property in a special fire protection zone to provide a fund for expenditure for the purposes stated in the resolution proposing the creation of the zone which the district board determines will be for the sole benefit of the zone.

(Added by Stats. 1961, Ch. 565.)

13997. Any special fire protection zone may be abolished by resolution of the district board, after hearing held in the manner provided for in this article for the original creation of the zone, whenever the district board determines that the public interest and necessity mentioned in the original order of creation no longer exists.

(Added by Stats. 1961, Ch. 565.)

CHAPTER 13. REPORTS

(Chapter 13 added by Stats. 1961, Ch. 565.)

13998. The district board shall file a report of the following types of action, together with a map describing the new boundaries when changes are made, with the Secretary of State, State Board of Equalization, and the county assessor:

(a) District formation, annexations, inclusions, consolidation, and dissolution.

(b) Inclusion of a city in the district.

(c) Withdrawal of a city due to incorporation or otherwise.

(d) The creation or abolishment of special fire protection zones.

(Added by Stats. 1961, Ch. 565.)

13999. The district board shall file a copy of the proposed budget of the district with the county treasurer, or with the county auditor in counties having a county auditor, prior to each fiscal year.

(Added by Stats. 1961, Ch. 565.)

PART 3. FIRE PROTECTION DISTRICTS

CHAPTER 1. LOCAL FIRE DISTRICTS

NOTE: Chapter 1, consisting of Sections 14001 to 14314, was added by Stats. 1939, Ch. 60, as part of codification. Various sections were affected by the following chapters:

1950 (1st Ex. Sess.)										
1939	1941	1943	1945	1947	1949	1951	1953	1955	1957	
222	775	644	330	128	1139	58	446	167	115	357
417		1022	1287	1345			1039	367	236	1623
496							1283	383	237	1624
							1455	480	248	1721
							1587	1071	791	
								1092	1041	
								1192	1612	
									1690	

Chapter 1 was repealed and added by Stats. 1957, Ch. 1624.

The text of Chapter 1, as added by Stats. 1957, Ch. 1623, Ch. 1624, and Ch. 1721 is set forth below. The usual history notes carried at the end of sections are omitted. The Statutory Record may be consulted to determine the history of any particular section.

NOTE: Stats. 1958 (1st Ex. Sess.), Ch. 97, provided as follows:

SECTION 1. The existence of any district organized or reorganized under Chapter 1 (commencing with Section 14001) Part 3, Division 12 of the Health and Safety Code, is confirmed, validated, and declared legally effective if, on or before November 11, 1958, such district has filed the affidavit required by Section 14017 of the Health and Safety Code.

Article 1. General Provisions

14001. This chapter may be cited as the Local Fire District Law. It is the successor to the 1881 act relating to fire protection districts in unincorporated areas.

14002. "District," as used in this chapter, means a district created or reorganized pursuant to this chapter or pursuant to any law which it supersedes.

14003. "District board," as used in this chapter means the board of fire commissioners of a district.

14004. "Employees," as used in this chapter, means all duly appointed officers and employees of the district and the fire department, including those regular, volunteer and call firemen who are employed and paid on a full-time or part-time basis, and including such persons as may be requested or appointed by the officer in charge of a fire, with authorization of the district board, to assist in the suppression of a fire.

14005. If the area proposed to be organized or reorganized as a local fire district lies within more than one county, or if, subsequent to any annexation or consolidation, a local fire district contains territory lying within more than one county, "principal county," as used in this chapter, means that county having the greatest proportion of the total assessed valuation of the district or proposed district, and that county shall remain the principal county even though subsequent changes occur, the result of which being that another county may then

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

contain the greatest proportion of the total assessed valuation of the district.

14006. Unless otherwise provided herein, whenever in this chapter a duty or responsibility is given to a county or the board of supervisors or any county official, and the district or proposed district lies within more than one county, such duty shall be performed or responsibility discharged by the county which is the principal county or by the board of supervisors or the designated county official of the principal county. In any existing district lying within more than one county, the principal county shall be that county now acting as such.

14007. It is the purpose of this chapter to make available a procedure for the organization, operation, government, consolidation, reorganization, and dissolution of local fire districts.

14008. The manner of formation of a local fire district, the annexation and exclusion of territory and the consolidation and dissolution of such districts, unless otherwise provided herein, shall be as prescribed in Chapter 1 (commencing with Section 58000), Division 1, Title 6 of the Government Code. All of the provisions of that chapter are incorporated in this chapter by reference and shall have the same force and effect as if fully set forth herein.

14009. The provisions of Section 58309 of the Government Code notwithstanding, in the event of conflict between the provisions of this chapter and those of Chapter 1 (commencing with Section 58000), Division 1, Title 6 of the Government Code, the provisions of this chapter shall prevail.

14010. Any area of this State not lying within any other fire district and not including any timbered, brush or grass covered lands declared to be the responsibility of the State for fire protection by Article 1 (commencing with Section 4000), Chapter 1, Division 4 of the Public Resources Code, except as provided in this section, may be organized as a local fire district pursuant to this chapter.

Upon receipt of a petition for the formation of or the annexation to a local fire district, if the proposed formation or annexation contains an area declared by Article 1 (commencing with Section 4000), Chapter 1, Division 4 of the Public Resources Code to be the fire protection responsibility of the State, the board of supervisors, in the case of formation, or the district board, in the case of annexation, shall file with the State Forester a notice of such proposal including a map and legal land subdivision description of the proposed district or annexation. Upon formation of or annexation to a district, including such lands, the fire protection responsibility for timbered, brush and grass lands shall remain that of the State.

This section shall apply to districts hereafter formed and to annexations to existing districts.

14011. Districts formed or proposed to be formed under this chapter are not subject to any provisions of the "District

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

Investigation Act of 1933'' (commencing with Section 58500 of the Government Code).

(Amended by Stats. 1963, Ch. 278.)

14012. In the case of districts created or reorganized under this chapter or any statutory predecessor thereof subsequent to 1935, and in the case of districts created prior to 1935 and subsequently reorganized under this chapter or any statutory predecessor thereof, no assessment or act relating to the assessment or collection of taxes, nor any election held under this chapter, is illegal, void or voidable on account of any error, omission or informality or failure to comply strictly with the provisions of this chapter, nor on account of any misnomer.

14013. Any proceeding in which the validity of the organization or reorganization of a district is questioned shall be commenced within three months after the date of the first election of members of the district board or the date of such reorganization; otherwise such organization or reorganization and the legal existence of said district, and all proceedings in respect thereto, are valid and in every respect legal and incontestable.

14014. When a district is organized or reorganized pursuant to the provisions of this chapter, the clerk of the board of supervisors shall, in addition to the filing required by Section 58133 of the Government Code, comply with the provisions of Sections 54900, 54901 and 54902 of the Government Code.

14015. On or before the first day of February of any year that an assessment or taxes are to be levied, and when the boundaries of any local fire district are changed for any reason whatsoever, the tax or assessment levying authority shall comply with the provisions of Sections 54900, 54901 and 54902 of the Government Code.

14016. When a district is organized or reorganized, and upon receipt of notice of such organization or reorganization, the Secretary of State shall issue to the district board of such district a certificate evidencing the existence of such district under such organization or reorganization.

14017. Any district previously organized or reorganized under the provisions of this chapter or any statutory predecessor of this chapter, shall submit to the Secretary of State an affidavit reciting the facts of such organization or reorganization, together with certified copies of any documentary proof of such organization or reorganization and a description of the boundaries of such district. Upon receipt of the affidavit the Secretary of State shall issue to the district board of such district, a certificate evidencing the existence of such district under such organization or reorganization.

14018. Any district previously organized or reorganized under the provisions of this chapter or any statutory predecessor of this chapter which does not within six months after the

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

effective date of this section file the affidavit required by Section 14017 shall cease to exist and all its property shall revert to the county or counties in which the district is located.

In such cases the board of supervisors is, *ex officio*, the governing body of the former district and may levy taxes and assessments and perform other acts necessary to terminate the district affairs.

14019. Except as otherwise provided by law, any district existing at the time of the effective date of this chapter, under any provisions of any act or law repealed, amended or superseded by this chapter, shall continue to exist, and shall be subject to the provisions of this chapter as though it were created hereunder. Any and all taxable property located within any such district organized or reorganized at the time of the effective date of this chapter shall continue to be subject to the levy of taxes for general purposes and for the payment of any indebtedness previously created, all as provided herein. The repeal of any acts herein shall not be held to affect or invalidate any claims, demands, acts, debts, contracts, obligations or indebtedness of any district created under the provisions of any such act.

14020. The State Fire Marshal shall, from time to time, study and investigate the law relating to the formation and organization of local fire districts and shall, following each such study and investigation, report to the Legislature the results of his investigation and study and also his conclusions and recommendations regarding needed legislation in order better to accomplish the purposes of the law.

14021. This chapter is necessary for the public health, safety, and welfare, and shall be liberally construed to effectuate its purpose.

14022. No district shall be created or organized pursuant to this chapter after the effective date of this section. At any time within five years after the effective date of this section, any district heretofore created or organized pursuant to this chapter may elect to come under the provisions of Part 2.7 (commencing with Section 13801), Division 12 of the Health and Safety Code and shall by resolution of the governing body of a district with an elected board of directors, or by resolution of the supervising authority of a district with an appointed board of directors, certify to the Secretary of State that the district has elected to conform to the provisions of that part.

Any district organized prior to the effective date of this section which has not, within five years after the effective date of this section, elected to come under the provisions of Part 2.7 (commencing with Section 13801), Division 12 of the Health and Safety Code shall automatically be considered as organized and operating under that part. Upon the automatic reorganization of a district, the governing body of the former district

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

shall be deemed to be the governing body of the reorganized district and the assets and liabilities of the former district shall vest in the reorganized district.

(Added by Stats. 1961, Ch. 565.)

Article 2. Formation: Petition and Hearing

14041. Fifty or more taxpayers of any area may petition the board of supervisors for the formation of a local fire district, and thenceforth the procedure for formation shall be as specified in Chapter 1 (commencing with Section 58000), Division 1, Title 6 of the Government Code, except as otherwise provided in this chapter. The petition may include a request that taxes and assessments levied for the district purposes be limited to a stated amount.

14042. The petition for formation of a district shall also specify the number of fire commissioners to be elected, and shall be accompanied by petitions of nomination for the position of fire commissioner, of such number of persons as will provide no less than one nominee for each of such positions to be filled.

14043. The provisions of Sections 58060 and 58061 of the Government Code, relating to the holding of a preliminary hearing, shall not apply to any procedure for the organization or reorganization of a district under this chapter.

14044. If the petition for formation contained a request that district taxes and assessments be limited to a stated amount, the taxes and assessments levied for the purpose of the district formed pursuant thereto shall be limited to the amount so stated, except as to taxes and assessments for purposes authorized at an election as provided by this chapter, and unless this limitation shall be removed or amended by a majority of the voters of the district at a special election called by the district board.

Article 3. The Board of Fire Commissioners

14051. The board of fire commissioners of a local fire district shall consist of three or five members elected as provided in Article 5 of this chapter, except as otherwise provided herein.

14052. If the petition for formation specifies that the district board shall consist of three members, the nominee receiving the largest number of votes at the first election shall be considered as having been elected for a three-year term, and the nominees receiving the second and third largest number of votes shall be considered as having been elected for terms of two years and one year respectively.

14053. If the petition for formation specifies that the district board shall consist of five members, the two nominees receiving the largest and second largest number of votes at

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

the first election shall be considered as having been elected for three-year terms, and the two nominees receiving the third and fourth largest number of votes shall be considered as having been elected for two-year terms, and the nominee receiving the fifth largest number of votes shall be considered as having been elected for a one-year term.

14054. If pursuant to Section 14052 or Section 14053 two or more nominees for the district board receive the same number of votes, the board of supervisors shall cast the deciding vote to determine the election and tenure of office of the nominees concerned.

14055. Subsequent to the formation of a district or the consolidation of two or more districts, if, by petition of 50 or more electors or by unanimous resolution of the district board, it is proposed to increase the number of fire commissioners from three to five, the district board shall, upon receipt of such petition or upon adoption of such resolution, call a special election on the proposition of such change, such election to be held concurrently with the next general district election. If a majority of the votes cast are in favor of the proposition, the board of supervisors shall, at their next meeting, appoint two new fire commissioners, one of whom shall serve for a three-year term and the other for a two-year term.

14056. The terms of office of the first elected members of the district board or of a consolidated district board, shall run until the third Tuesday of April of the first, second and third years next succeeding their election, except that if the first district board or a consolidated district board is elected within less than six months before the first Tuesday of April their terms shall run until the third Tuesday of April of the second, third and fourth years next succeeding their election. The commissioners shall hold office until their successors shall be elected or appointed and qualified.

14057. Except as otherwise provided in Section 14057.3, on the first Tuesday of April of the year next succeeding the first election or if the first district board or consolidated district board is elected within less than six months before the first Tuesday of April, then on the first Tuesday of April of the second year succeeding the first election, and on the first Tuesday of April of every year thereafter, an election shall be held for the election of the required number of members of the district board who shall take office on the third Tuesday of the same month and shall hold office for the term of three years, or until their successors are elected or appointed and qualified.

(Amended by Stats. 1963, Ch. 1566.)

14057.3. Not less than 100 days prior to the first Tuesday of April of any year, the district board of any district may, if it determines that such a change in the date of the election for members of the district board is in the best interests of the district, provide by resolution that future elections for mem-

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

bers of the district board shall be held on the third Tuesday of April, rather than the first Tuesday of April, of each year. A copy of such resolution shall be filed with the Secretary of State.

An election shall be held for the election of the required number of members of the district board on the third Tuesday of April of each year thereafter and the members elected to the district board at such election shall take office on the first Tuesday of the next month, May, and shall hold office for a term of three years, or until their successors are elected or appointed and qualified.

(Added by Stats. 1963, Ch. 1566.)

14057.5. The district board shall publish notice pursuant to Section 6066 of the Government Code that nomination petitions may be received. Notice shall be published at least seven days prior to the final date for receiving petitions.

(Added by Stats. 1959, Ch. 2182.)

14058. If at 12 o'clock noon on the fifty-fourth day prior to a general district election only one person has been nominated for each of the positions of fire commissioner to be filled at that election or no person has been nominated for any such office or offices, and a petition signed by five percent (5%) of the voters requesting that the election be held has not been presented to the district board by the fortieth day prior to the election, an election shall not be held.

(Amended by Stats. 1959, Ch. 2182.)

14059. In such case the publication provided for in Section 14131 shall, instead of calling an election, state that no election is to be held but that the board of supervisors shall appoint those nominated for the positions of fire commissioner or shall, if no persons have been nominated, appoint any qualified persons to the positions.

14060. If pursuant to Section 14059 a general district election is not held, the board of supervisors shall, at a meeting held prior to the day fixed for the election, appoint to the positions of fire commissioner those persons nominated, or shall, if no persons have been nominated, appoint any qualified persons to such positions. Any persons thus appointed shall qualify, take office and serve as if elected at a general district election.

14060.1. Notice that such appointment may be made in the event that only one or no nomination is made and no petition requesting an election is filed, shall be published in a newspaper of general circulation in the district, once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

(Added by Stats. 1961, Ch. 523.)

14061. Any vacancy in the office of a member elected to the district board shall be filled by appointment by the board of supervisors for the unexpired term.

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

14062. Within 30 days after their first election and after each general district election or unopposed election, and whenever vacancies in any office may occur and are filled, or after any appointments made pursuant to the provisions of Section 14055 or of Article 9 (commencing with Section 14231), the district board shall meet and organize as a board, electing a president from their number, and a secretary, after which they may transact business. Regular meetings shall be held not less than once every three months. Regular and special meetings shall be called and conducted as prescribed by Sections 54953, 54954 and 54956 of the Government Code.

14063. A majority of the board shall constitute a quorum for the transaction of business.

14064. The board shall act only by ordinance, resolution or motion. A majority vote of the members of the district board is required on each action taken, and the vote shall be recorded.

14065. Each member of the district board shall receive such sum as may be fixed by the board, not exceeding ten dollars (\$10), for each meeting of the board attended by him, not exceeding four meetings in any calendar month.

14066. Members of the district board may be allowed actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the district board.

14067. All or any of the members of the district board may be recalled at any time by the voters by following the recall procedure set forth in Chapter 2 (commencing with Section 11050), Division 13 of the Elections Code.

14068. Any election which is required by this article may be consolidated with any other election which is to be held on the same day pursuant to the provisions of Chapter 4 (commencing with Section 23300), Part 2, Division 12 of the Elections Code.

(Added by Stats. 1963, Ch. 1566.)

Article 3.5. Establishment of Divisions (Article 3.5 added by Stats. 1963, Ch. 1423)

14070. Each district may be divided into as many divisions as there are commissioners of the district. The establishment of the divisions and the boundaries thereof shall be made by the board of supervisors, who shall make such division if requested by a resolution passed by a majority of the board of fire commissioners or upon a petition signed by a majority of eligible voters within the boundaries of the district. Said resolution or petition shall be filed with the board of supervisors at least 100 days before the next general election.

(Added by Stats. 1963, Ch. 1423.)

14071. Within 30 days after the filing of the petition or the resolution requesting the establishment of divisions with

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

the board of supervisors, the board of supervisors shall hold a hearing and shall hear any evidence produced to establish the validity of the petition or resolution and such further evidence as may be necessary as to divide the district into divisions as nearly equal in area as may be practicable.

(Added by Stats. 1963, Ch. 1423.)

14072. Within 10 days after said hearing, the board of supervisors, if they determine that the resolution or petition is valid, shall forthwith order the establishment of divisions in the district as nearly equal in area as may be practicable and shall file a copy of said order with the board of fire commissioners of the district.

(Added by Stats. 1963, Ch. 1423.)

14073. After the entry of the order establishing divisions within a district, one commissioner shall be elected from each division and shall be a resident therein.

(Added by Stats. 1963, Ch. 1423.)

14074. The entry of the order dividing the district into divisions shall not affect the term of any commissioner until his term expires.

(Added by Stats. 1963, Ch. 1423.)

14075. At the next three district general elections following the entry of the order, the district board shall designate the divisions from which commissioners shall be elected. The number designated shall equal the number of commissioners to be elected at such elections.

(Added by Stats. 1963, Ch. 1423.)

14076. Divisions once established may be modified by the same procedure as set forth in this article for establishing divisions.

(Added by Stats. 1963, Ch. 1423.)

Article 4. General Powers and Duties

14091. The district board shall have perpetual succession.

14092. The district board shall have and exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this chapter, including but not limited to the power:

(a) To sue and be sued.

(b) To take or acquire real or personal property of every kind or any interest therein, within and without the district, by grant, purchase, gift, devise or lease, and to hold, manage, occupy, dispose of, convey and encumber the same and create a leasehold interest in same for the benefit of the district.

(c) To exercise the right of eminent domain.

(d) To establish, equip and maintain a fire department, and to establish and enforce rules and regulations for the administration, operation and maintenance thereof.

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

(e) To appoint and employ necessary employees, and to define their qualifications, duties and responsibilities, and to provide for a pay schedule and for payment in a reasonable sum for the performance of such duties.

(f) To employ counsel.

(g) To enter into and perform all necessary contracts, including but not limited to contracts for the supply and distribution of water, and for the furnishing of necessary services to or the receipt of such services from another district.

(h) To provide and maintain any and all special service functions necessary for the prevention of fire and for the protection of life and property from fire and panic, including the investigation of fire and prosecution of crimes of arson.

14093. The district board may purchase and maintain ambulances and operate ambulances or ambulance services within and without the district.

14094. The district board may establish, equip, maintain and operate rescue and first aid services within and without the district.

14095. The district board may contract with other governmental agencies. The district board may also enter into mutual aid agreements with other fire protection districts, the United States and agencies thereof, and any private firm or corporation which is engaged in the manufacture of materials or equipment for national defense under contract with the United States, or any agency thereof, and which maintains a full-time fire department.

Any such private firm or corporation which enters into a mutual aid agreement pursuant to this section, or any employee thereof, shall have the same immunity from liability for civil damages on account of personal injury to or death of any person or damage to property resulting from acts or omissions of its fire department personnel in the performance of the provisions of the mutual aid agreement as is provided by law for local fire districts and their employees, except when such act or omission occurs on property under the control of such firm or corporation.

(Amended by Stats. 1959, Ch. 1057, and by Stats. 1961, Ch. 1880.)

14096. The district board may, by ordinance, provide for a civil service system for employees of the district.

14097. The district board may require any employee of the district to be bonded, the cost of such bonds to be borne by the district.

14098. The district board may lease or rent private vehicles or equipment owned by district employees or others and reimburse them for use of same within budgetary limitations.

14099. The district board may enter into group hospital service contracts with hospitals and hospital districts for hos-

pital service for the members of the district board and the employees of its fire department relating to injuries suffered by such persons in the performance of duty; and for such purpose the fire district is construed to be a district within the meaning and effect of Section 11512.2 of the Insurance Code and other laws related thereto.

14100. In addition to compensation insurance required by law, the district board may insure its members and employees against accidental death and injury in the performance of their duties.

14100.1. Notwithstanding the provisions of Section 14099 and Section 14100 of this code, nothing herein shall be construed to limit the district board from entering into group hospital service contracts with hospitals and hospital districts for hospital service, or from adopting a system of group health, sickness, accident or disability insurance, for the benefit of its members and employees pursuant to any other procedure therefor established by law.

14101. The district board, on behalf of its fire department, may maintain membership in any local, state or national group or association organized and operated for the promotion of the preservation of life and property from the hazards of fire and panic.

14102. The district board may authorize the attendance of its members and employees at professional or vocational meetings and may authorize payment of reasonable expenses therefor, including transportation to and from such meetings.

14103. The purchase of all equipment for fire protective purposes shall conform to the standardization provisions of Section 13025.

14104. The district may adopt a seal.

14105. The district board shall keep a record of all its acts, and of all money received and disbursed by it. The books shall be open to public inspection.

14106. The district board may clear or order the clearing of land or remove or order the removal of dry grass, stubble, brush, rubbish, litter, or other flammable material, if, in its judgment, the flammable material endangers the public safety by creating a fire hazard. The provisions of Part 5 (commencing with Section 14875), Division 12, of this code are made applicable to the local fire districts organized and existing pursuant to this chapter, including, but not limited to, the provisions with respect to the assessment of property owners for the expense of abatement, and the procedure set forth therein shall apply to dry grass, stubble, brush, rubbish, litter or other flammable material which endangers the public safety by creating a fire hazard. In the application of the provision of said Part 5 (commencing with Section 14875), Division 12, to proceedings under this chapter, the terms "board of supervisors," or "board" when used in said Part 5, shall mean

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

the district board acting under this chapter; and the officers designated in Section 14890, of said Part 5, shall mean the employees of the fire department designated by the district board.

14107. The district board may, after publication of notice and hearing, adopt and enforce reasonable ordinances for the prevention and suppression of fires and conflagrations and for the protection and preservation of life and property against the hazards of fire and conflagration not in conflict with any ordinance on the subject previously adopted by the board of supervisors of any county in which a part of the district is located.

14108. Each ordinance shall be signed by the members of the district board and published. Copies of all district ordinances shall be available, in the office of the district board, for public distribution.

14108.5. Notwithstanding the provision of Section 14108 the district board may by ordinance adopt a fire prevention code by reference in the same manner as legislative bodies of local agencies are authorized to adopt primary and secondary codes by reference pursuant to Sections 50022.1 to 50022.8, inclusive, of the Government Code, and for the purposes of such sections of the Government Code the district board shall be deemed a legislative body and the district shall be deemed a local agency.

No penalty clauses or sanctions contained in any fire prevention code adopted by reference pursuant to this section shall be effective.

Every person who violates any provision of an ordinance adopted pursuant to this section or of a fire prevention code adopted by reference in such ordinance is guilty of a misdemeanor.

(Added by Stats. 1959, Ch. 642.)

14108.6. The district board may provide by ordinance for the issuance of citations by the chief of the fire department of the district, or his duly authorized agent, for violations of district ordinances in the same manner as a county, city, or city and county is authorized to so provide by Chapter 5b (commencing with Section 853.1) of Title 3 of Part 2 of the Penal Code.

(Added by Stats. 1959, Ch. 802.)

14109. Every person who violates any of the provisions of a district ordinance adopted pursuant to Section 14107, or who fails or refuses to correct or eliminate a fire or life hazard after written order of the district board or its authorized representative, or who falsely personates a member of the district board or any officer of the district is guilty of a misdemeanor.

14110. If any person who has been ordered, pursuant to Section 14109, to correct or eliminate a fire or life hazard believes that strict compliance with the order would cause undue

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

hardship, he may, within 10 days, present a written request to the district board for a hearing on and a review of such order. The request shall state the reasons therefor, and the district board shall, within 30 days of the receipt of same, hold a hearing, and may, if they determine that the circumstances appear to justify such action, modify, vacate, or affirm the order.

14111. The officers of the fire department of the district shall have the powers of peace officers while engaged in the performance of their duties with respect to the prevention and suppression of fires and the protection and preservation of life and property against the hazards of fire and conflagration.

14112. If, within any area of the district, the district board has established regulations for the control of open fires, no person desiring or required to burn flammable material shall do so except under a permit issued by the district. No permit to burn flammable materials shall be issued in conflict with burning regulations of an air pollution control district, or regulations established pursuant to the Public Resources Code.

14113. The district board shall encourage the adoption of fire prevention measures by means of education, and may prepare or cause to be prepared and disseminated information relating to the subject of fire prevention and extinguishment.

14114. The district board may establish or cause to be established a program of firemen's training or may authorize the participation of district firemen in such a program as otherwise established.

14115. The district board may propose a change in the name of the district to the board of supervisors. The change in the name of the district shall be effective upon the adoption by the board of supervisors of a resolution approving the change in the name of the district.

(Added by Stats. 1959, Ch. 906.)

Article 5. Provisions Relating to Elections

14131. The district board shall call elections, subsequent to the organization of the district, and the provisions of Section 58171 of the Government Code notwithstanding, notice of each election shall be given as provided in Article 1 (commencing with Section 58000), Chapter 1, Division 1, Title 6 of the Government Code. No other notice of such elections need be given, and neither sample ballots nor polling place notices need be mailed for such elections.

14132. Where a district has not already been formed the county clerk shall perform such duties as may be required incident to the election, which duties would otherwise normally be performed by the district board or the secretary thereof.

14133. All district elections shall be called, held and conducted in all respects as nearly as practicable in conformity

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

with the provisions of law governing elections in general law cities except as otherwise provided herein.

14134. No person shall be a candidate for or be appointed to or hold office on the district board unless he is a voter of the district or proposed district.

14135. The ballots used at elections on propositions shall set them forth in terms conforming to the requirements of law for elections on measures in cities.

14136. The expense of the election held relative to the formation of a district shall be paid by the county if the proposition fails to carry, but if the formation is approved such expense shall be a charge against the district and repaid to the county from the first moneys collected by the district. The expense of all other elections shall be a charge against the district.

Article 6. Finance, Taxation and Bonds

14151. The district board may, for any purpose for which the district is authorized to expend funds without the necessity of calling or holding an election in the district, borrow money and incur indebtedness in anticipation of the revenue for the current year in which the indebtedness is incurred or of the ensuing four years thereafter. Such indebtedness shall not exceed 85 percent of the estimated tax income for the years in which the loan is in effect.

(Amended by Stats. 1959, Ch. 1107.)

14152. On or before the 15th day of May of each year the district board shall estimate and determine the annual amount of money required for the district and shall adopt a preliminary budget which shall be detailed in conformity with the Uniform Accounting Procedures for Counties set forth in the California Administrative Code.

(Amended by Stats. 1963, Ch. 426.)

14153. On or before the fifteenth day of May of each year the district board shall publish a notice at least one time stating:

(1) That the preliminary budget has been adopted and is available at a time and at a place within the district, specified in the notice, for inspection by interested taxpayers;

(2) That on a specified date, not less than one month after publication of the notice, and at a specified time and place the district board will meet for the purpose of fixing the final budget, and that any taxpayer may appear and be heard regarding the increase, decrease, or omission of any item of the budget or for the inclusion of additional items.

14154. At the time and place designated in the published notice for the meeting, any taxpayer may appear and be heard regarding the increase, decrease, or omission of any item of the budget or for the inclusion of any additional items.

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

14155. The hearing on the budget may be continued from time to time until concluded.

14156. The district board shall report the final budget to the board of supervisors or to each board of supervisors concerned, after the budget hearing but not later than the first day of July of each year, after making any changes in the preliminary budget it deems advisable during or after the hearing, including deductions, increases, or additions.

14157. The board of supervisors of each county concerned shall, at the time of levying the county taxes, levy a tax upon all the property taxable by the local fire district lying within the county, sufficient to meet the county's share of the amount set forth in the final budget submitted by the district board.

14158. The taxes so levied shall be computed and entered on the assessment roll and collected at the same time and in the same manner as county taxes, and when collected shall be placed in the county treasury for use of the district. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such taxes.

14159. On finding of emergency affecting the ability of the district to furnish adequate fire protection, the district board may, by resolution adopted by unanimous vote, provide that moneys received but not specifically set forth as revenue in the adopted budget be made available for appropriation and expenditure during the current fiscal year.

The district board may further provide by resolution for transfers or revisions of unencumbered funds within the general classes of the adopted budget, other than transfers from the capital outlay reserve.

14160. The district board may establish a reserve for capital outlays. If such reserve is established, the board shall declare the purposes for which the reserve is to be used and shall include in the annual tax levy for the district an item stating the amount to be included for such purposes.

14161. At any time after the creation of a capital outlay reserve, the board may transfer to such reserve any unencumbered surplus reserve remaining to the credit of the district at the end of any fiscal year.

14162. Whenever a capital outlay reserve is established, it shall be used only for the purposes specified at the time the reserve was established except that if, at the beginning of every fiscal year, it is found that the reserve is no longer required for such purposes, the board may, by unanimous vote, discontinue the reserve or transfer so much thereof as is no longer required for such purposes to the district general fund.

14163. The county treasurer shall act as the treasurer of the district, and shall receive no compensation for the receipt and disbursement of money of the district.

14163.5. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900)

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727; amended by Stats. 1963, Ch. 1715. See note following Section 954.)

14164. Subject to the provisions of Section 14163.5, claims against the district shall be audited, allowed, and paid by the district board by warrants drawn on the county treasurer. As an alternative, the district board may instruct the county auditor to audit, allow and draw his warrant on the county treasurer, for all legal claims presented to him and authorized by a majority of the district board. The county treasurer shall pay the warrants in the order in which they are presented.

(Amended by Stats. 1959, Ch. 1727.)

14164.5. Notwithstanding the provisions of Section 14164, the district board may, by resolution, provide for the establishment of a petty cash fund, in an amount not to exceed fifty dollars (\$50), to be used to pay small bills directly. The resolution which provides for the establishment of the petty cash fund shall designate all of the following:

- (a) The maximum amount of the fund.
- (b) The purposes for which the fund may be expended.
- (c) The officer who shall have authority to make disbursements from the fund and be responsible for keeping accounts of all disbursements.
- (d) The officer who shall have authority to draw a warrant on the county treasurer to establish the fund and who shall have the authority to draw warrants on the county treasurer for the purpose of reimbursement of the fund. Each warrant which is drawn on the county treasurer to reimburse the fund for disbursements which have been made shall contain an itemized account of such disbursements.

(Added by Stats. 1963, Ch. 1187.)

14165. When any warrant of the district, properly drawn on any fund in the official custody of the county treasurer, is presented to the county treasurer for payment, and it is not paid for want of funds, the county treasurer shall endorse thereon "not paid for want of funds" and the date and time of presentation and sign his name thereto. From that time until paid the warrant bears interest at the rate of 5 percent a year.

14166. If a structure or structures, or the acquisition of real or personal property, necessary for district purposes reasonably requires an expenditure in excess of available funds of the district derived from ordinary taxation, the district board may adopt a resolution calling an election within the district upon the issuance of bonds. The amount of the bonds

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

to be issued shall not exceed the amount specified in the resolution calling the election, nor shall the district incur a bonded indebtedness exceeding 10 percent of the assessed value of all the taxable property in the district.

14167. The resolution calling an election upon the issuance of bonds shall specify the date of the election, the amount of the bonds to be issued, the rate of interest or a maximum rate to be paid thereon, such rate or maximum rate not to exceed 6 percent per annum, and the nature of the proposed structure or improvement or of the property to be acquired, and such resolution shall be published as a notice of the election, in accordance with the provisions of Sections 58006 and 58007 of the Government Code.

14168. At the election any qualified and registered elector residing within the district may vote. If at the election a majority of the voters, voting thereat, shall vote in favor of the issuance of the bonds, the district board is thereupon authorized to issue the bonds.

14169. Bonds issued pursuant to this chapter shall be issued as follows:

(a) A part, to be determined by the district board, which shall be not less than one-thirtieth of the whole amount of the indebtedness, shall be payable annually at a date and place specified.

(b) The date of the first bonds maturing may at the discretion of the district board, be postponed not more than five years from the date of issuance.

(c) The interest to be paid shall be stated upon the bond and shall not exceed the rate specified in the notice of election on the issuance of such bonds.

(d) The denomination of the bonds shall be fixed by the district board, but shall not be less than one hundred dollars (\$100) or more than one thousand dollars (\$1,000) each.

(e) The bonds shall be signed by the presiding officer of the district board and by the county treasurer. One of the signatures may be facsimile by use of an engraved or lithographed signature.

(f) Interest coupons shall be numbered consecutively and signed by the county treasurer in like manner as the bonds.

14170. Such bonds shall be sold by, or on behalf of the district board for not less than the face value thereof. Before selling the bonds, or any part thereof, the district board shall give notice not less than 10 days prior to the date of sale by publication in a newspaper of general circulation circulating in the district inviting sealed bids in such manner as the board shall prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the district board determines that the bids received are not satisfactory as to price or respon-

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

sibility of the bidders, the district board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

14171. In case the term of office of any officer whose signature is required upon a bond or coupon expires before delivery of such bond or coupon, his signature thereon shall be valid for all purposes connected with such bond or coupon, or if the term of office of such officer expires or he is removed from office or resigns or his office is otherwise vacated before the bonds and coupons have been signed, then the signature of his elected or appointed successor shall be placed on the bonds or coupons and shall be valid for all purposes connected with such bond or coupon.

14172. The proceeds of sale of all bonds so issued shall be deposited with the county treasurer and shall be withdrawn therefrom only upon the order of the district board or pursuant to its directions and only for carrying out of the purposes for which the bonds were issued.

14173. A special tax shall be levied and collected for the payment of interest on bonds and for the retirement of bonds issued pursuant to this chapter. The tax shall be collected in the same manner and at the same time as other county taxes. All money derived from such tax shall be kept by the county treasurer in a special bond service fund and shall be paid by the treasurer for the purchase of any matured bond or interest coupon upon presentation thereof.

14174. If the payment of the first installment of bonds is postponed for five years or any portion thereof, the special tax shall nevertheless be collected beginning the first year and the amounts thereof accumulated in the bond service fund.

14175. The board of supervisors shall, in fixing the rate of the tax for bonds issued under this chapter, allow not to exceed 15 percent for anticipated delinquencies.

If the board of supervisors fail to do so, the county auditor shall fix the rate of the tax for bonds issued under this chapter.

14176. All costs incurred by the county in connection with the issuance of bonds pursuant to this chapter shall be reimbursed to it by the district issuing the bonds.

Article 7. Contracts

14201. Owners or occupants of property in the vicinity of the district, when such property is not included within the territory of any city or any other governmental agency providing fire protection, may contract with the district for one year or more for fire protection service for the property described in the contract. Such contract shall provide for fixed annual payment of agreed amount by such contracting party

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

to the district, to be paid in advance at the date of the making of such contract, and on the even date thereof for each subsequent year covered by the contract.

14202. Any city, all or part of which is included within the boundaries of a district, may if it desires provide for acquiring and maintaining fire fighting implements, apparatus and equipment, including water mains, hydrants, and water, in addition to those acquired and maintained therein by the district. The city may defray the cost of acquiring and maintaining such additional fire fighting implements, apparatus and equipment from the general tax revenues of the city and may contract with the district regarding the acquisition, maintenance and use thereof.

Article 8. Annexation and Exclusion of Territory

14211. Territory, to be eligible for annexation to a fire district under the provisions of this article, shall not be a part of any other fire district.

14213. For the purpose of Section 58231 of the Government Code, the requisite number of petitioners for annexation of territory shall be 50 or more qualified and registered electors, or the owners of at least 51 percent of the total assessed value of the property proposed to be annexed.

14214. For the purpose of Section 58231 of the Government Code, the requisite number of petitioners for exclusion of territory shall be the owners of the property proposed to be excluded, or 50 or more qualified and registered electors.

14215. For the purpose of Section 58238 of the Government Code, the requisite number of petitioners protesting annexation or exclusion of territory shall be that number of persons who are the owners of at least 51 percent of the property within the area proposed to be annexed or excluded, as shown by the last equalized assessment roll of the county or counties in which the district is located, and the election to decide whether the proposed annexation or exclusion shall occur shall be held within the area proposed to be annexed or excluded.

14215.5. A resolution by the district board annexing territory to a district where no protest is made against such change, or a resolution calling an election to decide whether a proposed annexation shall occur where the requisite number of petitioners have protested the annexation, shall not become effective unless and until the resolution is submitted to, and approved by the board of supervisors, which shall approve the resolution if it determines that the best interests of the people of the district and the county as a whole will be served by the annexation.

(Added by Stats. 1961, Ch. 1431. In effect July 12, 1961.)

NOTE: Stats. 1961, Ch. 1431, also contained the following provision:

SEC. 2. Section 14215.5 of the Health and Safety Code, as added by this act, is applicable to all proceedings for the annexation of territory to local fire districts pending on the effective date of this act.

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

14216. If, in the judgment of the district board, the exclusion of the territory sought to be withdrawn will make further existence of the district impracticable, the board shall proceed to call an election for dissolution.

14217. Upon the exclusion of any territory from a district, if such excluded territory is not annexed to or otherwise included within a city, and if the remainder of the district continues to exist as such, all property previously acquired for the district shall remain vested in the district and be used for purposes of the district.

14218. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion may thereafter be withdrawn from the district. The effective date of such withdrawal shall be stated in the resolution of the governing body of the city, describing the included portion and declaring such portion withdrawn, and copies of such resolution shall be filed with the State Board of Equalization, the governing body of the district, the county clerk or registrar of voters, and the county assessor.

Prior to the effective date of such withdrawal, a city may, by resolution of its governing body, assume responsibility for furnishing fire protection to the annexed portion or any portion thereof. The date of the transfer of such responsibility shall be specified in the resolution, and thereafter the district shall be relieved of responsibility for providing fire protection for the portion so designated in the resolution. A copy of the resolution shall be filed with the district board prior to the specified date.

14219. Upon the withdrawal of any territory of a district, by inclusion within a city:

(a) If the assessed value of the real property within the area withdrawn represents one-half of 1 percent, or less, of the total assessed value of the real property within the district prior to the withdrawal, as determined from the last equalized assessment roll of the property within the district, all of the property and assets of the district shall be retained by the district.

(b) If the assessed value of the real property in the area withdrawn exceeds the amount prescribed by subdivision (a), the city and the district shall have six months from the effective date of the withdrawal in which, after giving consideration to all factors involved, including population, assessed valuation, the effect of the annexation or change of boundaries on the remaining portion of the district, the length of time the portion being withdrawn has paid taxes and the total amount of such taxes paid, and such other matters as should be considered in arriving at an equitable distribution, they may establish a mutually agreeable basis for the distribution of the

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

property and assets of the district between the city and the remaining district. If, within such period a mutually agreeable basis is reached, the property and assets of the district shall be distributed between the city and the remaining district upon such basis.

(c) If, under the provisions of subdivision (b), no mutually agreeable basis for the distribution of the property and assets of the district is reached within the six month period, on the date the district ceases to furnish fire protection service to the area withdrawn or upon the end of the six month period, whichever is the last to occur, all of the property and unencumbered funds of the district shall be divided between the city and the remaining district in proportion to the average assessed value of the real property within the area withdrawn to the average assessed value of the real property within the entire district during the five year period prior to the effective date of the withdrawal, as determined from the equalized assessment rolls for such period.

All funds and property received by the city shall be used exclusively and directly for the prevention and extinguishment of fires; provided, that nothing herein shall prevent the sale of property not needed for such purposes for its fair market value if the funds derived from such sale are used solely for such purposes.

For the purpose of this section, the unencumbered funds are the sum of money, uncollected taxes, and other uncollected amounts in excess of an amount sufficient to pay all claims and accounts against the district, but shall not include funds necessary for the maintenance and operation of the district for any period for which the district has the duty to provide fire protection services within the area withdrawn.

(Amended by Stats. 1959, Ch. 598; repealed and added by Stats. 1961, Ch. 1055.)

14220. Property in territory included within a district shall, from and after the date of such inclusion, be subject to tax, levied as provided in Section 14173, to pay the principal of and interest on bonds of the district outstanding at the time of such inclusion, and for such special tax as may be required to be levied for the interest on or redemption of special indebtedness of the district, if any, outstanding at the time of such inclusion.

14221. Property in territory withdrawn or excluded from a district under this article shall, from the date of the filing, as required by Section 14015, be free from assessments and taxes levied by the district, except that the area shall continue to be subject to tax, levied as provided in Section 14173, to pay the principal of and interest on bonds of the district outstanding at the time of such withdrawal or exclusion, and for such special tax as may be required to be levied for the interest on

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

or redemption of special indebtedness of the district, if any, outstanding at the time of such withdrawal or exclusion.

14222. The provisions of Section 58243 of the Government Code shall not apply to any annexation proceedings under this article.

14223. In addition to the filing required by Section 58241 of the Government Code, the district board shall also file a copy of the resolution with the clerk of the board of supervisors, which body shall comply with the provisions of Section 14015.

Article 8.5. Adjustment of Boundaries (Article 8.5 added by Stats. 1957, Ch. 1721)

14225. The owner of contiguous real property which is located in two or more districts may petition the board of supervisors to adjust the boundaries of the districts so that all such property will be included in a single district.

(Added by Stats. 1957, Ch. 1721.)

14226. The board of supervisors, upon receipt of a petition, shall fix a time for hearing the petition and for hearing protests to the adjustment of the boundaries of the districts and shall give due notice of the hearing to the various districts concerned.

(Added by Stats. 1957, Ch. 1721.)

14227. The board of supervisors shall consider and pass upon all objection to the adjustment of the boundaries and may, if it finds that the adjustment of the boundaries will not make the further existence of any of the districts impracticable, grant the petition.

(Added by Stats. 1957, Ch. 1721.)

14228. The adjustment of the boundaries of the districts shall be effective upon the filing with the State Board of Equalization, the governing bodies of the districts concerned, the county clerk or registrar of voters, and the county assessor, of copies of a resolution of the board of supervisors describing the manner in which the boundaries of the districts are to be adjusted and declaring them so adjusted.

(Added by Stats. 1957, Ch. 1721.)

14229. Property withdrawn from a district by an adjustment of the boundaries of the district pursuant to this article shall continue to be subject to tax, levied as provided in Section 14173, to pay the principal of and interest on bonds of the district outstanding at the time of the adjustment of the district's boundaries.

(Added by Stats. 1957, Ch. 1721.)

Article 9. Consolidation

14231. The provisions of Sections 58260 and 58261 of the Government Code notwithstanding, two or more fire districts

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

organized under this part may consolidate, and such consolidation shall be in conformity with the provisions of Article 9 (commencing with Section 58260), Chapter 1, Division 1, Title 6 of the Government Code, except as otherwise provided herein.

14232. The resolutions of the governing bodies of the districts proposing to consolidate, or the petitions relating thereto shall also state whether the proposed consolidated district board shall consist of three or five fire commissioners.

14233. Insofar as possible, the provisions of this chapter relating to an election on the formation of a local fire district shall apply to an election on the proposition of consolidation called pursuant to this article, except that if on the thirtieth day prior to the day set for the election no petition signed by 5 percent of the voters of any one of the district protesting the consolidation has been received, an election on the proposition of consolidation shall not be held.

14234. If no election is required, pursuant to the provisions of Section 14233, the board of supervisors shall, after a hearing, proceed under the provisions of Sections 58267 and 58268 of Government Code as though a majority of the voters in each district had voted in favor of the consolidation.

14235. If pursuant to the provisions of Section 14233 and 14234, the proposition of consolidation is effected, the board of supervisors shall appoint the members of the consolidated board as follows:

(a) If only one person has been nominated for each position of fire commissioner to be filled, the board of supervisors shall appoint the person nominated.

(b) If the number of persons nominated for positions of fire commissioner is less than the number of such positions to be filled, the board of supervisors shall appoint the person or persons nominated and such other qualified person or persons as will provide a district board of the size specified in the consolidation resolutions.

(c) If no persons are nominated for the positions of fire commissioner the board of supervisors shall appoint such qualified persons as will provide a district board of the size specified in the consolidation resolutions.

(d) If the number of persons nominated for the positions of fire commissioner is greater than the number of such positions to be filled, the board of supervisors shall appoint the required number of fire commissioners from among those nominated.

14236. If the consolidation resolutions specify that the district board shall consist of three members, the board of supervisors, in making appointments as provided in Section 14235, shall designate one appointee for a three-year term, one for a two-year term and one for a one-year term.

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

14237. If the consolidation resolutions specify that the district board shall consist of five members, the board of supervisors, in making appointments as provided in Section 14235, shall designate two appointees for three-year terms, two for two-year terms and one for a one-year term.

14238. Any person appointed pursuant to the provisions of Section 14235 shall qualify, take office and serve as if elected at a general district election.

14239. If an election on the proposition of consolidation is required, there shall be held concurrent with such election, an election of members of the consolidated district board. Such district board shall be of the size specified in the resolutions proposing consolidation, and the members thereof shall be elected and their tenure of office determined as though the district was being newly formed.

14240. If the consolidation is effected, the term of office of the district boards of the heretofore separate districts shall terminate and the term of office of the district board of the consolidated district shall commence on the date of the filing required by Section 58268 of the Government Code.

(Amended by Stats. 1959, Ch. 598.)

14241. Upon the filing required by Section 58268 of the Government Code, and in addition to the provisions of Section 58269 of the Government Code, the consolidated district shall succeed to all the funds and other property, and be subject to all the indebtedness, bonded or otherwise, of the consolidated districts.

14242. Upon the consolidation of two or more districts, the employees of each district named shall be blanketed into the employment of the consolidated district. The relative standing with respect to seniority and position of all employees blanketed into the employment of the consolidated district shall be determined upon the basis of their position and the seniority credits to which each such employee was entitled by virtue of his prior service in the districts.

Article 10. Dissolution of District

14251. Pursuant to the provisions of this article, any district may be dissolved by the district board.

14252. The provisions of Section 58301 of the Government Code notwithstanding, 50 or more persons who are taxpayers or residents of such district, or a majority of the persons who are taxpayers or residents if there are less than 100 taxpayers and residents in the district, may file with the district board a petition requesting the dissolution of the district.

14253. Upon receipt of the petition for dissolution, or if the district board initiates the proposition of dissolution, the dis-

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

trict board shall, by resolution, call and publish notice of an election on dissolution.

14254. The election on dissolution shall be conducted in accordance with the provisions of Article 5 (commencing with Section 14131) of Chapter 1, Part 3, Division 12 of this code and of Article 5 (commencing with Section 58130), Chapter 1, Division 1, Title 6 of the Government Code.

(Amended by Stats. 1959, Ch. 598.)

14255. The provisions of Section 58306 of the Government Code notwithstanding, if a community services district has been formed pursuant to Division 2 (commencing with Section 61000), Title 6 of the Government Code, which community services district is coterminous with the dissolved fire district or contains such dissolved district entirely within its boundaries and will render the fire protection services previously rendered by the local fire district, the property and funds of the district, upon its dissolution, vests absolutely in such community services district, and such district shall be subject to all the indebtedness, bonded or otherwise, of the dissolved district.

14255.1. Upon the dissolution of a local fire district all the funds of the district remaining on hand shall be divided between any city and county in the proportion that the total assessed value of the real property of the territory of the district in the city and without the city bears to the total assessed value of the real property within the district prior to dissolution, as determined by the last equalized assessment roll of the county or counties.

14256. Any county which, upon the dissolution of a local fire district, receives any share of the property or funds of the dissolved district, shall use such property or funds for fire protection purposes within the county.

14257. In the event a district is dissolved by proceedings under this article, by the inclusion of the whole of the district within a city, or otherwise, the property in the territory constituting the district at the time of its dissolution shall continue to be subject to tax, levied as provided in Section 14173, to pay the principal of and interest on bonds of the district outstanding at the time of such dissolution and for such special tax as may be required to be levied for the interest on or redemption of special indebtedness of the district, if any, outstanding at the time of such dissolution.

14258. If a district has filed no financial report with the State Controller for a period of five years, the State Controller shall so certify to the board of supervisors of the county in which the district is located, and the board of supervisors may, by resolution, declare the district dissolved.

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

Article 11. Reorganization

14271. Any fire department or district organized or reorganized under the act which this chapter supersedes, or under this chapter, or organized under any of the provisions of this part, may be reorganized as a district under this chapter.

14272. Twenty-five percent of the taxpayers or residents of a district, or a majority of the governing body may petition the board of supervisors of the county in which the fire department or district is situated for reorganization.

(Amended by Stats. 1961, Ch. 1717.)

14273. The petition shall be verified by at least one of the petitioners, shall set forth the boundaries and name of the district, shall set forth the reasons for reorganization, and pray that the fire department or district be reorganized under this chapter.

(Amended by Stats. 1961, Ch. 1717.)

14274. The petition shall be published by the board of supervisors for at least two weeks preceding the hearing in a newspaper of general circulation published in the county, with a notice stating the time when the petition will be heard and that all persons interested may appear and be heard.

14275. At the time fixed for hearing the board of supervisors shall hear the petition and consider all written and oral objections and statements in support of such reorganization.

(Amended by Stats. 1961, Ch. 1717.)

14276. The board of supervisors shall not modify the boundaries of the fire department or district as set forth in the petition so as to exclude from the fire department or district any land which would be benefited by the reorganization of the fire department or district under this chapter, nor shall any lands which would not in the judgment of the board be benefited by the reorganized district be included within the district.

14277. Any territory originally within the boundaries of the previously formed district shall not be excluded from the boundaries of a district reorganized pursuant to this chapter by reason of the fact that at the time of the filing of the petition for reorganization the territory shall then be included within a city; provided, that consent for the inclusion of the territory be given by the legislative body of the city prior to the filing of the petition for reorganization.

14278. At the conclusion of the hearing, the board of supervisors may abandon the proposed reorganization of the district, or it may decide to reorganize the district to come under this chapter. If the board of supervisors finds that the statements in the petition are correct and that it will be beneficial to the taxpayers for the district to reorganize under this chapter, it may make an order describing the exterior boundaries of the territory included within the district as determined by the

board and may order that the territory be organized as a district under this chapter. From and after the making of the order for reorganization the fire department or district is organized as a district under this chapter with all the powers and duties conferred in this chapter.

(Amended by Stats. 1961, Ch. 1717.)

14279. As an alternative procedure, the board of supervisors may order an election within the district on the question of the reorganization of the district. The election shall be conducted as nearly as practicable in accordance with the general laws of the State but no particular form of ballot is required.

The board of supervisors shall on the first Monday succeeding the election, either at its next general or special sessions, canvass the votes. If it appears that a majority of all votes canvassed in the district are in favor of the reorganization of the district, the board shall, by an order entered in its minutes, declare the territory reorganized as a district under this chapter.

The board shall cause a copy of the order certified by the clerk of the board to be immediately filed for recording in the office of the county recorder. From and after such filing, the district is organized as a district under this chapter with all the powers and duties conferred in this chapter.

(Amended by Stats. 1961, Ch. 1717.)

14280. Reorganization shall not affect or impair the status or rights of the district board or of any duly appointed employees of the district, except that a board of three or five fire commissioners to be specified in the petition for reorganization shall be elected as provided in Article 3 of this chapter on the first Tuesday of April following the date of reorganization of the district under this chapter. The terms of such commissioners so elected shall be determined in the same manner as provided in Article 3 of this chapter in connection with the formation of a local fire district hereunder.

14281. The reorganization shall not affect or impair the title to any property owned or held by, or in trust for, the district, or any debts, demands, liabilities, or obligations existing in favor of or against the district, or any pending proceedings.

14282. Any and all such titles, debts, demands, liabilities, obligations, and proceedings shall have the same validity, force and effect as if acquired, incurred, accrued, or taken while the district was organized under the provisions of this chapter.

14283. Reorganization shall not operate to repeal or affect in any manner any ordinance theretofore passed or adopted and remaining unrepealed, nor to discharge any person from any liability then existing for any violation of such ordinance. Such ordinances, so far as they are not in conflict with general laws shall remain in force until repealed or amended by competent authorities.

14284. After reorganization, proceedings theretofore commenced shall be conducted in accordance with this chapter.

14285. The legality or existence of a fire department or district reorganized as provided for in this chapter shall not be affected by reason of any defect or illegality in the formation of the previously formed fire department or district. It is the intention of this article to provide a procedure for the reorganization as a district under this chapter of all fire departments or districts as may not have legal existence or may desire to be governed by this chapter.

Article 12. Creation of Special Fire Protection Zones

(Article 12 added by Stats. 1957, Ch. 1623)

14301. Upon the filing of a petition with the district board signed by 51 percent of the taxpayers, or the owners of 51 percent of the property, based on assessed valuation, in a specific area, the district board shall, by resolution, initiate proceedings for the creation of a special fire protection zone in the district for the purpose of paying for the installation of capital improvements such as fire mains, fire plugs, or any other similar improvement, which is of sole benefit to the territory in a zone, or for purchase of equipment or employment of personnel over and above the equipment and personnel which the district can afford to furnish to a zone out of its general district tax.

(Added by Stats. 1957, Ch. 1623.)

14302. The resolution initiating the proceedings shall describe the boundaries of the proposed special fire protection zone, declaring that public interest and necessity demands its creation, and the reasons therefor, and set a date for a public hearing on the question of the creation of the zone before the district board.

(Added by Stats. 1957, Ch. 1623.)

14303. Notice of the hearing shall be given by the publication of a copy of the resolution in the manner prescribed for the publication of notices in Article 1 (commencing with Section 58000), Chapter 1, Division 1, Title 6 of the Government Code.

(Added by Stats. 1957, Ch. 1623.)

14304. Any person interested, at or before the hearing, may file with the district board a written objection to the creation of the zone or to the inclusion of his property in it. At the hearing the district board shall hear and determine all protests and objections. At the conclusion of the hearing the district board shall decide and determine whether the zone shall be formed with the boundaries as described in the original resolution, except that it may revise the proposed boundaries by reducing the size of the zone. A copy of the order creating a special zone describing the territory thereof, accompanied by

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

a plat thereof, shall be filed with the agencies designated in and as required by Sections 54900, 54901, and 54902 of the Government Code.

(Added by Stats. 1957, Ch. 1623.)

14305. The district board, after complying with the provisions of Sections 54900, 54901, and 54902 of the Government Code, shall levy a tax upon all taxable property in a special fire protection zone to provide a fund for expenditure for the purposes stated in the resolution proposing the creation of the zone which the district board determines will be for the sole benefit of the zone.

(Added by Stats. 1957, Ch. 1623.)

14306. Any special fire protection zone may be abolished by resolution of the district board, after hearing held in the manner provided for in this article for the original creation of the zone, whenever the district board determines that the public interest and necessity mentioned in the original order of creation no longer exists.

(Added by Stats. 1957, Ch. 1623.)

14307. Bonds may be issued by a district for any zone established under the provisions of this article for the purpose of providing supplemental facilities and services required because of the nature or type of the property within the zone. The procedure for the issuance of such bonds shall be as prescribed in Sections 14166 to 14176, inclusive, except that for the purposes of the issuance of such bonds:

(a) The zone shall be treated as a district.

(b) The district board shall be deemed to be the district board of the zone.

(c) The word "zone" shall be read wherever the word "district" is used in Sections 14166 to 14176, inclusive.

(d) Only the qualified electors in the zone shall be entitled to vote on the bond issue, sign any petition involved, be heard at any hearing, or file any protest.

(e) Only property assessed within the zone shall be taxed for repayment of the bonds or be used to compute the bonding limit.

(Added by Stats. 1961, Ch. 1303.)

CHAPTER 1a. METROPOLITAN FIRE PROTECTION DISTRICTS (Chapter 1a added by Stats. 1939, Ch. 836)

Article 1. General Provisions

14325. Any city or cities, county or counties, or combination thereof, or portions of either or both, or combinations thereof, may be formed into a metropolitan fire protection district.

(Added by Stats. 1939, Ch. 836.)

14326. The purposes for which a district may be formed are:

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

(a) The prevention and extinguishing of fires on brush covered or forest covered lands within the district.

(b) The acquisition, construction, and maintenance of roads, water pipelines, fire hydrants, water tanks, pumping plants, reservoirs, firebreaks, trails, and other works necessary or convenient for the prevention and extinguishing of fires.

(c) The issuance of bonds and the payment thereof and interest thereon and the expenditure of money raised thereby for carrying out the purposes for which the district is established.

(Added by Stats. 1939, Ch. 836.)

14327. As used in this chapter:

"County" includes city and county.

"Legislative body" means the board of supervisors of a county, the city council or board of trustees of a city, and includes any body exercising the functions of the foregoing by whatever name it may be called.

"Initiating body" means the legislative body with or by whom proceedings under this chapter are initiated.

"Main county" means the county in which the district lies, and if the district lies in more than one county, the main county is the one in which the greatest portion of the district lies.

"District" means a district organized pursuant to this chapter.

(Added by Stats. 1939, Ch. 836.)

14328. No district shall be created or organized pursuant to this chapter after the effective date of this section. At any time within five years after the effective date of this section, any district heretofore created or organized pursuant to this chapter may elect to come under the provisions of Part 2.7 (commencing with Section 13801), Division 12 of the Health and Safety Code and shall by resolution of the governing body of a district with an elected board of directors, or by resolution of the supervising authority of a district with an appointed board of directors, certify to the Secretary of State that the district has elected to conform to the provisions of that part.

Any district organized prior to the effective date of this section which has not, within five years after the effective date of this section, elected to come under the provisions of Part 2.7 (commencing with Section 13801), Division 12 of the Health and Safety Code shall automatically be considered as organized and operating under that part. Upon the automatic reorganization of a district, the governing body of the former district shall be deemed to be the governing body of the reorganized district and the assets and liabilities of the former district shall vest in the reorganized district.

(Added by Stats. 1961, Ch. 565.)

Article 2. Resolution of Intention

14330. Any legislative body may adopt a resolution declaring its intention to form a metropolitan fire protection district under this chapter.

(Added by Stats. 1939, Ch. 836.)

14331. The resolution of intention shall contain all of the following:

(a) The name of the proposed district.

(b) A description of the boundaries of the proposed district which may be by reference to any publicly filed or recorded map.

(c) A description of what is proposed to be done by the district, which may refer to a plan on file with the initiating body.

(d) An estimate of the cost of improvements proposed to be made, acquired, constructed, or otherwise accomplished.

(e) An estimate of the annual cost of maintenance of the improvements and of the district.

(f) A statement that bonds are proposed to be issued for such improvements, and the maximum amount of the bonds.

(Added by Stats. 1939, Ch. 836.)

14332. A copy of the resolution of intention shall be forwarded immediately to the clerk of the legislative body of each city or county, all or any portion of which is proposed to be included in the district. The clerk shall present the resolution to the legislative body.

(Added by Stats. 1939, Ch. 836.)

14333. Each legislative body to whom the resolution is presented shall, at its next regular meeting or at a special meeting prior thereto called for the purpose, adopt or reject the resolution and the clerk thereof shall transmit a statement of the action to the initiating body. Such statement shall be filed within 60 days after the adoption of the resolution by the initiating body.

(Added by Stats. 1939, Ch. 836.)

14334. If the legislative body of any county or city rejects the resolution, no proceedings shall be had thereunder as to that county or city pursuant to this chapter, until its legislative body shall have rescinded its action and adopted the resolution. A resolution may, however, be adopted by a city within a county, despite the rejection by the legislative body of the county.

(Added by Stats. 1939, Ch. 836.)

14335. Within 30 days after the expiration of the time for filing the statement of adoption or rejection, the clerk of the initiating body shall notify the clerk of each legislative body adopting the resolution to publish or post notice of hearing on the resolution and protests thereon at a time and place to be fixed by the clerk of the initiating body. Publication or posting of notice shall be completed not less than 10 days prior to the date of hearing.

(Added by Stats. 1939, Ch. 836.)

14336. The clerk of the legislative body of each city affected shall publish notice of the resolution and the time and place of hearing in at least one issue in a newspaper of general circulation printed and published in the city.

(Added by Stats. 1939, Ch. 836.)

14337. The clerk of the legislative body of each county affected shall publish notice of the resolution and the time and place of hearing in at least one issue in some newspaper of general circulation printed and published in the county and circulated within the portions of the county in the proposed district not included within cities in the proposed district. If no portion of the proposed district within the county is included within a city no notice is required by this section.

(Added by Stats. 1939, Ch. 836.)

14338. In case no such newspaper exists or if one exists, it is not qualified to publish the notice, notice shall be given by the clerk by posting in three public places within the city, county, or area affected, as the case may be.

(Added by Stats. 1939, Ch. 836.)

14339. The clerk of the initiating body shall prescribe a form of notice which shall include a brief description of the purposes of the formation of the district and which may refer to the resolution of intention for further details. The expense of publication or posting shall be paid by the legislative body the clerk of which publishes or posts the notice.

(Added by Stats. 1939, Ch. 836.)

Article 3. Hearing and Protest

14340. Any person objecting to the formation of the district, the boundaries thereof, or any other matter connected therewith, may file a written protest not less than 72 hours prior to the time fixed for hearing. The protest may be filed either with the clerk of the initiating body or with the clerk of the legislative body of the city or county affected which is the residence of the person protesting. If a protest is filed with a clerk other than the clerk of the initiating body the protest shall be transmitted immediately to the initiating body.

(Added by Stats. 1939, Ch. 836.)

14341. At the time and place of hearing, the initiating legislative body shall consider all protests and hear witnesses and take evidence thereon. The hearing may be adjourned from time to time and from place to place, but not for a greater period than 30 days in all.

(Added by Stats. 1939, Ch. 836.)

14342. At the hearing the initiating body shall determine the boundaries of the district, and shall exclude from the proposed district all of the areas within the jurisdiction of legislative bodies which have rejected the resolution. The initiating body may exclude any other part of the proposed

district if it finds that said part will not be benefited by being a part of the proposed district.

(Added by Stats. 1939, Ch. 836.)

14343. At the hearing the initiating body may include in the proposed district areas not included therein by the original resolution of intention, if the owners of all of the real property so included assent thereto in writing, and if the legislative body or bodies having jurisdiction over the area or areas also assent to such inclusion. Such assents shall be obtained and filed within 30 days after the original date of hearing.

(Added by Stats. 1939, Ch. 836.)

14344. In the event the initiating body, after hearing, determines that the proposed district should be formed with the boundaries as fixed and determined pursuant to this article it shall declare the district established. If the district is not so established, no proceedings shall be instituted for the formation of a district under this chapter covering all or any part of the same area until six months have elapsed after the final determination of the first proceeding.

(Added by Stats. 1939, Ch. 836.)

Article 4. Election on Issuance of Bonds

14345. At any time after the establishment of a district, the initiating body may adopt a resolution calling an election within the district upon the issuance of bonds. The amount of the bonds to be issued shall not exceed the amount specified in the resolution of intention.

(Added by Stats. 1939, Ch. 836.)

14346. The resolution calling an election shall specify the date of the election, the amount of the bonds to be issued, the rate of interest or a maximum rate of interest to be paid thereon, the nature of the proposed works or improvements, the estimated amount of all expenses incidental to or connected with the proposed works or improvements, and the amount of money, if any, available as contributions to such improvements from any public source whether Federal, State, or local.

(Added by Stats. 1939, Ch. 836.)

14347. Notice of election shall be given by the initiating body at least 30 days prior to the election by publication in at least one newspaper of general circulation circulated within the district. Publication, if in a daily paper, shall be in at least six consecutive issues, and if in a weekly paper, shall be in at least two consecutive issues. The initiating body may give such other notice as it sees fit.

(Added by Stats. 1939, Ch. 836.)

14348. The initiating body shall establish precincts within the district and designate polling places within such precincts. In all particulars not inconsistent herewith the general law governing elections shall apply to an election under this article.

(Added by Stats. 1939, Ch. 836.)

14349. The initiating body shall fix the date of election, which may be consolidated with any other special or general

election, and shall appoint all necessary officers and provide all necessary facilities for the bond election. The initiating body shall fix the hours during which the polls are to be open.

(Added by Stats. 1939, Ch. 836.)

14350. At the election any qualified and registered elector residing within the district may vote. If at the election a majority of the voters, voting thereat, shall vote in favor of the issuance of bonds, the initiating body is thereupon authorized to issue the bonds.

(Added by Stats. 1939, Ch. 836.)

Article 5. Bonds

14351. Bonds issued pursuant to this chapter shall be issued as follows:

(a) A part to be determined by the initiating body, which shall be not less than one-fortieth of the whole amount of the indebtedness, shall be payable annually at a date and place specified.

(b) The date of the first bonds maturing may, in the discretion of the initiating body, be postponed not more than five years from the date of issuance.

(c) The interest to be paid shall be stated upon the bond and shall not exceed the rate specified in the notice of election on issuance of such bonds.

(d) The denomination of the bonds shall be fixed by the initiating body, but shall not be less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) each.

(e) The bonds shall be signed by the chairman or other presiding officer of the initiating body and by the treasurer of the main county. Signatures may be facsimile by use of an engraved or lithographed signature.

(f) Interest coupons shall be numbered consecutively and signed by the treasurer of the main county, in like manner as the bonds.

(Added by Stats. 1939, Ch. 836.)

14352. Such bonds shall be sold by or on behalf of the initiating body for not less than the face value thereof.

(Added by Stats. 1939, Ch. 836.)

14353. In case the term of office of any officer whose signature is required upon a bond or coupon expires before delivery of such bond or coupon, his signature thereon shall be valid for all purposes connected with such bond or coupon.

(Added by Stats. 1939, Ch. 836.)

14354. The proceeds of sale of all bonds so issued shall be deposited with the treasurer of the main county, and shall be withdrawn therefrom only upon the order of the initiating body or pursuant to its directions and only for the carrying out of the purposes of this chapter for which the district is organized.

(Added by Stats. 1939, Ch. 836.)

14354.1. In determining the amount of bonds to be issued, the legislative body may include:

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said bonds, and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

(Added by Stats. 1957, Ch. 1378.)

Article 6. Revenue and Taxation

14355. The initiating body shall annually determine the amount of money to be provided for the district for the ensuing fiscal year and shall certify the amount to the legislative body of the main county. The amount shall be sufficient to pay the principal and interest on outstanding bonds according to their tenor and the costs of maintenance of the district.

(Added by Stats. 1939, Ch. 836.)

14356. The legislative body of the main county shall apportion to the several counties the amount to be raised by taxation in each, which apportionment shall be based upon the area of land within the district lying in the several counties.

(Added by Stats. 1939, Ch. 836.)

14357. The legislative body of each county in which all or any portion of the district lies shall annually levy a tax upon all of the real property, exclusive of improvements, within the district and within the county, in an amount sufficient to raise the sum required to be raised in such county for the district.

(Added by Stats. 1939, Ch. 836.)

14358. If the payment of the first installment of bonds is postponed for five years or any portion thereof, the tax shall nevertheless be collected beginning the first year and the amounts thereof accumulated as a sinking fund.

(Added by Stats. 1939, Ch. 836.)

14359. The legislative body of the county collecting the tax shall, in fixing the rate of the tax, allow not to exceed 15 per cent for anticipated delinquencies.

(Added by Stats. 1939, Ch. 836.)

14360. The tax shall be collected in the same manner and at the same time as other county taxes.

(Added by Stats. 1939, Ch. 836.)

14361. All sums collected as such tax shall be deposited with the treasurer of the main county, and shall be paid out only upon the order of the initiating body or pursuant to its direction.

(Added by Stats. 1939, Ch. 836.)

Article 6.5. Claims

(Article 6.5. Added by Stats. 1959, Ch. 1727)

14363. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727; amended by Stats. 1963, Ch. 1715. See note following Section 954.)

Article 7. Powers of District

14365. The initiating body shall be the governing body of the district and shall make all contracts on behalf of the district.

(Added by Stats. 1939, Ch. 836.)

14366. All contracts for construction, completion, maintenance, or for labor, materials, or supplies, shall be let to the lowest responsible bidder.

(Added by Stats. 1939, Ch. 836.)

14367. The initiating body may require such bonds as it deems desirable as a condition to the filing of a bid or the granting of a contract.

(Added by Stats. 1939, Ch. 836.)

14368. The initiating body shall advertise for bids by advertising in two or more newspapers of general circulation printed and published in the district.

(Added by Stats. 1939, Ch. 836.)

14369. The initiating body, in lieu of calling for bids, may do any act or work itself in the manner provided by law.

(Added by Stats. 1939, Ch. 836.)

14370. The initiating body shall have all powers necessary or requisite for carrying out the purposes for which the district was formed.

(Added by Stats. 1939, Ch. 836.)

Article 8. Alternative Method

14375. This chapter provides an alternative procedure for organizing and operating a fire protection district and shall not affect any other law providing for fire protection districts. When, however, a district is organized pursuant to this chapter, the provisions of this chapter, and none other, shall apply to such districts.

(Added by Stats. 1939, Ch. 836.)

CHAPTER 2. COUNTY FIRE PROTECTION DISTRICTS**Article 1. General Provisions**

14400. Any portion of a county composed of unincorporated territory, incorporated territory, or any combinations thereof may be formed into a county fire protection district pursuant to this chapter, but not including any commercial

forest land which is timbered land declared to be the responsibility of the State for fire protection by Article 1 (commencing at Section 4000), Chapter 1, Division 4 of the Public Resources Code.

(Amended by Stats. 1959, Ch. 1539.)

14400.5. Upon the inclusion within a fire protection district of lands declared, pursuant to Article 1 (commencing at Section 4000), Chapter 1, Division 4 of the Public Resources Code to be the primary responsibility of the State for fire protection, the primary fire protection responsibility for such lands shall remain with the State.

(Added by Stats. 1959, Ch. 1539.)

14401. Any city or any portion thereof may be embraced and included in a district for fire protection purposes upon the adoption of an ordinance by the governing body of the city declaring its intention and desire that the city or any designated portion thereof be embraced and included within the district, and the filing of a certified copy of the ordinance with the Secretary of State and with the board of supervisors of the county within which the district is located; provided, however, that no city nor any portion thereof shall be annexed to a county fire protection district without the approval of the governing body of the district; and provided further, that the governing body of the district may require as a condition to such annexation or inclusion that the city or portion thereof annexed or included within the district remain a part of such district or its successor district for a period of time not to exceed 10 years. Upon the expiration of the period of time set forth in the conditions or, if none, at any time, the legislative body of the city may provide by ordinance for the withdrawal of the territory of the city from the district. The withdrawal shall be effective upon the filing of a certified copy of the ordinance with the Secretary of State and the governing body of the district or on the date fixed by the legislative body of the city whichever is later. Where the withdrawal is effective on or before February 1st of the fiscal year the district shall furnish fire protection services to the territory withdrawn until the first day of July next succeeding. Where the withdrawal is effective subsequent to February 1st of the fiscal year and the territory is subject to district taxation for the succeeding fiscal year the district shall furnish fire protection services to the territory until the 30th day of June of the fiscal year next succeeding.

(Amended by Stats. 1953, Ch. 751, by Stats. 1955, Ch. 1633, by Stats. 1957, Ch. 760, and by Stats. 1961, Ch. 1677.)

14402. From and after such filings the city, or any portion thereof, is a part of the district.

(Amended by Stats. 1953, Ch. 751.)

14403. "District," as used in this chapter, means a fire protection district created pursuant to this chapter or pursuant to any law which it supersedes.

14404. "Board," as used in this chapter, means the board of supervisors of the county in which the district is situated.

14405. A district formed or proposed to be formed under this chapter is not subject to any provisions of the "District Investigation Act of 1933" (commencing with Section 58500 of the Government Code).

(Amended by Stats. 1939, Ch. 222, and by Stats. 1963, Ch. 278.)

14406. Whenever a fire occurs within the limits of any district and is of such proportions that it cannot be adequately handled by the fire department of the district, or whenever a fire occurs in any unincorporated territory of a county not included within a district, or whenever a fire occurs in a city and upon request of the fire chief or authorized authority of said city, the apparatus, equipment and fire fighting force of any district within the county may be used for the purpose of extinguishing the fire.

(Amended by Stats. 1949, Ch. 544.)

14407. No district shall be created or organized pursuant to this chapter after the effective date of this section. At any time within five years after the effective date of this section, any district heretofore created or organized pursuant to this chapter may elect to come under the provisions of Part 2.7 (commencing with Section 13801), Division 12 of the Health and Safety Code and shall by resolution of the governing body of a district with an elected board of directors, or by resolution of the supervising authority of a district with an appointed board of directors, certify to the Secretary of State that the district has elected to conform to the provisions of that part.

Any district organized prior to the effective date of this section which has not, within five years after the effective date of this section, elected to come under the provisions of Part 2.7 (commencing with Section 13801), Division 12 of the Health and Safety Code shall automatically be considered as organized and operating under that part. Upon the automatic reorganization of a district, the governing body of the former district shall be deemed to be the governing body of the reorganized district and the assets and liabilities of the former district shall vest in the reorganized district.

(Repealed by Stats. 1943, Ch. 158; added by Stats. 1961, Ch. 565.)

14408. Every contract between a district and a city entered into after the effective date of this section which provides for the furnishing of fire protection services by the district to the city, except a contract to render assistance whenever a fire occurs within the limits of a city of such proportions that it cannot be adequately handled by the fire department of the city, shall be for a term of at least one year.

Neither the district nor the city shall have the power to abrogate such a contract during the term of the contract. The contractual relationship between the district and the city may, however, be terminated by the voters of either the district or the city.

The board of supervisors or the governing body of the city may, at any time, call and conduct a special election in the district or the city, as the case may be, for the purpose of submitting to the voters of the district or the city a proposition for the termination of the contractual relationship between the district and the city.

An election in the district shall be called and conducted in the same manner as an election for the formation of a district. An election in the city shall be called and conducted in the same manner as other special elections in the city, except that no notice of the election, other than the notice prescribed by Section 9755 of the Elections Code, need be given and neither sample ballots nor polling place notices need be mailed for such an election.

If at an election in the district, or an election in the city, a majority of the voters voting vote in favor of the termination of the contractual relationship between the district and the city, the contractual relationship shall be terminated on the first day of July next succeeding the date of the election, if the election is held on or before February 1st of the fiscal year of the district. If the election is held subsequent to February 1st of the fiscal year, the contractual relationship shall be terminated on the 30th day of June of the fiscal year next succeeding.

(Added by Stats. 1961, Ch. 1306.)

Article 2. Notice and Hearing

14410. The board of supervisors of any county may determine that a portion of the unincorporated territory of the county is in need of fire protection and should be formed into a fire protection district.

14411. The board shall fix a time and place for a hearing of the matter of the formation of the district and shall direct the clerk of the board to publish a notice once a week for two successive weeks in a newspaper of general circulation circulated in the territory which it is proposed to organize into a fire protection district, which the board deems most likely to give notice to the inhabitants of the proposed formation of the district.

14412. The board shall direct the clerk to cause the notice to be posted in three public places in the territory, at least 10 days prior to the date set for hearing.

14413. The notices shall be headed "Notice of the proposed formation of ----- County Fire Protection District in ----- County (stating the name of the proposed district and the name of the county in which the proposed district is to be located)." In the notice as posted, the heading shall be in letters of not less than one inch in height.

14414. The notice as published and posted shall state that the board has fixed the time and place, which shall be stated in the notice, for a hearing on the matter of the formation of a county fire protection district.

14415. The notice shall set forth the exterior boundaries of the territory proposed to be organized into a district. The boundaries, so far as practicable, shall be the center lines of highways.

14416. At any time prior to the time fixed for hearing, any person interested may file with the clerk written objections to the formation of the district.

14417. At the hearing, or at any time to which it may be continued, the board shall consider and pass upon all written objections filed.

14418. If the board overrules the objections, it shall hear any person having objection to the inclusion of any territory within the proposed district, and may exclude any territory which would not be benefited by incorporation within the district.

14419. At the conclusion of the hearing, the board may abandon the proposed establishment of a county fire protection district, or may decide to establish a district.

Article 3. Election on Formation

14425. If the board decides to establish a district the board shall, by resolution, provide for and order the holding of a special election within the proposed district, and the submission to its qualified electors, of the proposition of forming the district.

14426. The resolution shall describe the boundaries of the proposed district as set forth in the notice of the proposed formation or as they may have been modified by the exclusion of territory.

14427. The resolution shall:

(a) Set forth the date of election which shall be at least 20 days after the adoption of the resolution.

(b) Designate one or more precincts within the boundaries of the proposed district.

(c) Designate a polling place in each precinct, and the names of the election officers who shall be one inspector, one judge and one clerk for each precinct.

14428. In all other particulars not recited in the resolution, the election shall be held as provided by law for holding general elections in the county, except that no notice of election other than the publication and posting of the resolution need be given.

14429. The resolution ordering the holding of the election shall be published once a week for two successive weeks prior to the date set for the election, in the newspaper of general circulation circulated within the proposed district deemed by the board to be the most likely to give notice to the electors of the proposed election.

14430. The resolution shall also be posted in three of the most public places within the proposed district at least 10 days prior to the date set for the election.

14431. The ballots at the election shall state in substance the following proposition: "Shall the ----- County Fire Protection District be established," and opposite and to the right of the proposal, shall be printed the words "Yes" and "No," together with voting squares.

14432. If a majority of the votes cast are in favor of the establishment of the district, the board shall enter a finding to that effect upon its minutes and thereafter the district is established and organized as a county fire protection district.

Article 4. Powers and Duties of the Board

14440. The board is the governing body of the district and may make and enforce all rules and regulations necessary for the administration and government of the district, for the furnishing of fire protection to, and for the elimination of fire hazards in, the district.

14441. The board may appoint agents and employees for the district sufficient to maintain and operate the property acquired for district purposes and to police the district.

14442. The board may clear any or all town lots, homesites, villa lots, or lands immediately adjacent within the district of dry grass, weeds, stubble, brush, rubbish, litter, or other inflammable material.

14443. The board may acquire real or personal property needful for district purposes and dispose of it when no longer needed.

14444. The board may construct any needed structures.

14444.1. The board may authorize rescue or first aid service as a function of the district and may appoint agents and employees and acquire needed property or equipment for such purposes, disposing of it when no longer needed.

(Added by Stats. 1949, Ch. 544.)

14444.2. The board may authorize fire prevention activities by the district and may authorize in connection with that activity educational work for the information of the public relative to the prevention of fires and the conservation of natural resources.

(Added by Stats. 1953, Ch. 199.)

14445. The board may perform all other acts necessary or proper to accomplish the purposes of this chapter, and not inconsistent with its provisions.

14446. The board may, by resolution, adopt the provisions of any charter of the county relating to civil service, and may also adopt the rules, regulations and procedures of any civil service commission of the county as they may exist at the time of the adoption of the resolution or may thereafter be changed or amended.

14446.5. In adopting the charter provisions of any county relating to civil service and the rules, regulations, and procedure of any civil service commission of the county, the board may, in its resolution of adoption, provide for either of the following:

(a) That the employees of the district shall submit to the examinations required by such charter, rules, regulations, and procedure;

(b) That all district employees, with the exception of those holding temporary appointments, in the employ of the district at the time the resolution is adopted shall continue to serve in their respective positions without examination, subject to such changes in classes or grades of positions as may be made by the civil service commission in the exercise of its powers, or as may be provided by law.

(Added by Stats. 1939, Ch. 219.)

14447. The members of any civil service commission and the officers, attaches and employees of any civil service department of the county are ex officio the civil service commission and civil service department of the district.

14448. The commission and the members of the department shall perform the same duties for the district as they perform for the county without additional compensation, except that the commissioners shall be reimbursed by the district for any necessary additional expenses incurred by them by reason of their performance of duties for the district.

14449. The cost to the county for the performance of the duties by the civil service commission or civil service department for the district shall be reimbursed to the county by the district.

14450. In any county in which there is more than one district, the board may, by the adoption of a single resolution, designate all or any one of the districts to which such civil service rules, regulations and procedures shall apply, and when the resolution has been adopted by the board such rules, regulations and procedures are applicable to the named districts until the electors of the district, by a majority vote, instruct the board to remove the district from the operation of the rules, regulations and procedures of civil service.

14450.5. In any county where there is more than one district, the board may, by the adoption of a single resolution, instruct the civil service commission, or department, of any county, to hold one examination for the combined districts within any such county for each rank of candidates, to establish one eligible list, and permit qualified candidates, to transfer from one district to another for appointment.

The board of supervisors shall, subject to such civil service rules as may be applicable, permit the transfer after appointment of district employees from one district to another in the interest of efficiency and to permit requested changes in places of assignment.

(Added by Stats. 1941, Ch. 205; amended by Stats. 1949, Ch. 544.)

14450.6. When one or more districts are under the same governing board, a seniority list, based upon the seniority of a district employee in relation to the seniority of the employees of all the districts within the county under the same

governing board may be promulgated and used in the layoff of all district employees. If a district is dissolved or included in a city either by annexation or incorporation, the employees of the district shall be laid off or transferred to another district in the county, depending upon their standing on said seniority list. Persons laid off shall be eligible for reemployment and shall be reemployed in preference to new applicants in any district in the manner and for such period of time as may be prescribed by the rules of the Civil Service Commission.

(Added by Stats. 1949, Ch. 544.)

14451. This article does not make the employees of any district employees of the county.

The board in any county that has adopted civil service rules, regulations and procedure consistent with charter provisions for employees of the district may, in the event that any unincorporated area of the county is embraced by the district, change to the extent permitted by the charter of the county concerned, the status of any district employee to that of county employee status without further civil service examination or any forfeiture of seniority or other rights.

The board in any county that has a regularly organized county firewarden department, the employees of which are qualified under charter provisions relating to civil service, and the rules, regulations and procedure of the civil service commission of said county, may, in the event that all or part of the unincorporated area of the county is embraced by the district, change the status of said firewarden department employees or those firewarden department employees affected by a partial embracement of unincorporated area of the county by the district, from county employees to district employees without further civil service examination or any loss of seniority or other rights. The board in any county that has a regularly organized county firewarden department may return to district status any employees thereof who qualify under the charter provisions relating to civil service and the rules, regulations and procedure of the civil service commission of said county, and who prior to becoming county employees were employed by the district for a period not less than three years continuous service without further civil service examination or any loss of seniority, or other rights.

(Amended by Stats. 1949, Ch. 544.)

14451.1. If the civil service commission or body performing the functions thereof for the district finds that any person has been employed by a city which or any portion thereof has been annexed to or included within a fire protection district, in a position the duties of which, and qualifications for which are substantially the same as those of any position in the fire protection district, at the request of the governing body of the district, the civil service commission or such other body, may certify, without examination, such person as eligible to hold such fire protection district position. If a person is employed by a fire protection district after certification without exami-

nation by the civil service commission or similar body because of his employment in a position of similar duties by a city, all time employed in such city position shall be considered as time employed by the fire protection district, for the purpose of determining seniority rights and salary rates.

(Added by Stats. 1955, Ch. 1633.)

14451.3. In fixing compensation to be paid to persons employed by the district subject to a civil service system adopted pursuant to Section 14446 the board, in each instance, shall provide a salary or wage at least equal to the prevailing salary or wage for the same quality of service rendered to private persons under similar employment in case such prevailing salary or wage can be ascertained. This section shall be operative only in those counties which are operating under freeholders' charters which charters make the same requirement as to the fixing of salaries or wages for persons employed by the county, subject to the civil service system of such county.

(Added by Stats. 1963, Ch. 895.)

14452. The board may accept donations or contributions of any kind or nature made to the district; and may expend any funds donated or contributed to the district in furtherance of the purposes of this chapter.

(Added by Stats. 1939, Ch. 381.)

14453. The board may, by resolution or order entered upon its minutes, either appoint five commissioners or it may call for the election of five commissioners, in accordance with the election provisions of the District Organization Law, Sections 58160 to 58180, inclusive, of the Government Code, to act as its agents in managing the affairs of the district and in exercising any or all of the powers vested in it. Commissioners so appointed shall:

(a) Hold office at the pleasure of the board and serve without compensation.

(b) Elect one of their number president and another secretary.

(c) Hold meetings periodically and as often as the business of the district may require.

(Added by Stats. 1939, Ch. 381; amended by Stats. 1953, Ch. 643.)

14454. The name of a district may be changed pursuant to the procedure prescribed in this section. The board shall first adopt a resolution of intention to change the name of the district, which resolution shall specify the proposed new name of the district. Notice thereof shall be published pursuant to Section 14461. After a hearing on the matter, the board may adopt a resolution changing the name of the district. Upon the filing of a notice of such change of name with the county auditor and county clerk the district shall thereafter be known by the name specified in the resolution.

(Added by Stats. 1957, Ch. 1450.)

Article 4.5. Commissioners
(Article 4.5 added by Stats. 1939, Ch. 218)

14455. The board of supervisors may, by resolution or order entered upon its minutes, either appoint a commission of five commissioners or it may call for the election of five commissioners, in accordance with the election provisions of the District Organization Law, Sections 58160 to 58180, inclusive, of the Government Code, to manage the affairs of the district.

(Added by Stats. 1939, Ch. 218; amended by Stats. 1953, Ch. 643.)

14455.1. If the commissioners are appointed by the board, they shall hold office as provided in Section 14455.11. If the commissioners are elected, they shall hold office for a term of three years. They shall serve without compensation, but may be paid their actual and necessary traveling expenses while on the business of the district. On adoption of a resolution of the board of supervisors permitting reimbursement for travel expense and establishing maximum amounts allowable, the commissioners and employees of the district may be reimbursed for reasonable expenses, including transportation, in attending professional or vocational meetings outside the county in which the district is situated.

(Added by Stats. 1939, Ch. 218; amended by Stats. 1953, Ch. 289 and Ch. 643, and by Stats. 1959, Ch. 1966. Operative January 1, 1960.)

14455.11. Where the commissioners are appointed by the board, the board shall determine whether the commissioners shall serve at the pleasure of the board, or for a term of four years subject to removal by the board for cause. If the commissioners are appointed for four-year terms, the terms of members first appointed shall expire as follows: one member, one year from the effective date of his appointment; one member, two years from the effective date of his appointment; one member three years from the effective date of his appointment; and two members four years from the effective date of their appointments. The determination as to which commissioners shall serve the one-, two-, three- and four-year terms shall be determined by the board by lot.

(Added by Stats. 1959, Ch. 1966. Operative January 1, 1960.)

14455.2. Commissioners appointed or elected shall organize by electing one of their number president, and by electing a secretary, who need not be a commissioner, and who may or may not be compensated for his services.

(Added by Stats. 1939, Ch. 218; amended by Stats. 1953, Ch. 643.)

14455.3. The commission shall keep a record of its proceedings and of the receipts and disbursements of the district.

(Added by Stats. 1939, Ch. 218.)

14455.4. The commission has the same power as the board to make and enforce rules and regulations relating to fire prevention or fire fighting within the district.

(Added by Stats. 1939, Ch. 218.)

14455.5. The commission may enter into contracts with cities or other fire protection districts regarding the joint use of fire apparatus and equipment. The commission may also enter into mutual aid agreements with other fire protection districts, the United States and agencies thereof, and any private firm or corporation which is engaged in the manufacture of materials or equipment for national defense under contract with the United States, or any agency thereof, and which maintains a full-time fire department.

Any such private firm or corporation which enters into a mutual aid agreement pursuant to this section, or any employee thereof, shall have the same immunity from liability for civil damages on account of personal injury to or death of any person or damage to property resulting from acts or omissions of its fire department personnel in the performance of the provisions of the mutual aid agreement as is provided by law for county fire protection districts and their employees, except when such act or omission occurs on property under the control of such firm or corporation.

(Added by Stats. 1939, Ch. 218; amended by Stats. 1959, Ch. 1057, and by Stats. 1961, Ch. 1880.)

14455.6. The commission may appoint one or more fire chiefs, assistants, and regular or volunteer firemen, and pay them with warrants or claims drawn upon the funds of the district.

(Added by Stats. 1939, Ch. 218.)

14455.7. The commissioners, and any fire chiefs, assistants, and regular or volunteer firemen appointed by them, have the same authority and are subject to the same laws as the members of any city or other fire department in respect to trespass, the setting of backfires, policing, and the use of special equipment on automobiles.

(Added by Stats. 1939, Ch. 218. Section of same number as added by Stats. 1947, Ch. 1226, amended and renumbered 14455.8.)

14455.8. The commissioners may purchase, acquire, lease, operate and maintain ambulances whenever necessary and may take out liability and other insurance therefor. They may employ trained personnel to operate these vehicles.

(Formerly 14455.7. Added by Stats. 1947, Ch. 1226; amended and renumbered 14455.8 by Stats. 1961, Ch. 70.)

Article 5. Ordinances of the Board

14460. The board of supervisors as governing body of any district may adopt such ordinance or resolution as it may deem proper to prevent fires and conflagrations.

14461. The ordinance or resolution shall be signed by the members of the board and published in a newspaper printed in the district, or posted in three of the most public places for a period of two weeks, at the end of which time it is a law for the government of the inhabitants of the district.

14462. The ordinance or resolution may provide for and require the cleaning of town lots, homesites, villa lots, or lands immediately adjacent within the district of dry grass, weeds, stubble, brush, rubbish, litter, or other inflammable material.

14462.5. The provisions of Part 5 (commencing with Section 14875), Division 12, of this code are made applicable to the districts organized and existing pursuant to this chapter, including but not limited to, the provisions with respect to the assessment of property owners for the expense of abatement, and the procedure set forth therein shall apply to dry grass, stubble, brush, rubbish, litter or other flammable material which endangers the public safety by creating a fire hazard. In the application of the provision of said Part 5 (commencing with Section 14875), Division 12, to proceedings under this chapter, the terms "board of supervisors," or "board" when used in Part 5, shall mean the board of supervisors of the county in which the district is situated acting under this chapter; and the officers designated in Section 14890, of Part 5, shall mean the employees of the fire department designated by the board.

(Added by Stats. 1961, Ch. 746.)

14463. The ordinance or resolution may authorize the proper authorities to enter upon and clean such premises upon default of the owner to clean them after due notice and warning, and to collect the cost of cleaning by adding the cost to the taxes assessed to the owner.

14464. The ordinance may provide that posting of notice and warning to remove inflammable material in a conspicuous place on the premises affected for a period of not less than five days before the meeting of the board at which it authorizes the cleaning of the premises by the proper authorities and the assessing of the cost to the owner of the premises, is sufficient notice and warning.

14465. The ordinance shall specifically set forth the manner and form of giving notice and warning, and shall provide for a hearing and protest of the owner of the premises before the board.

14466. The board may submit the ordinance or resolution to the electors of the district for approval or rejection, upon such notice and at such special or general election, as it deems proper.

Article 6. Duties of Division of Forestry

14470. The Chief of the Division of Forestry, with the approval of the Director of the State Department of Natural Resources shall upon the written request of any county board

of supervisors exercise a general supervision over and make and enforce all necessary and proper rules and regulations relating to the following:

(a) The type and nature of all fire prevention and fire fighting implements and apparatus purchased by any district and its location in the district.

(b) The maintenance and upkeep of all implements and apparatus purchased by the district.

(c) The maintaining and increasing of the efficiency of the fire prevention and fire fighting organization of the district.

(d) The reporting of cause, extent, and damage resulting from each fire within the district.

14471. The board shall upon the request of the Chief of the Division of Forestry provide him with an accurate description of the boundaries of each district within the county and a map on which the boundaries are plainly and accurately delineated.

Article 7. Finance and Taxation

14480. The board shall levy a tax each year upon all taxable property, real, personal or mixed in each district sufficient to defray the cost of maintenance and to meet such other expenditures as are authorized, provided that the amount of the taxes to be collected from the levy made upon property located within the incorporated area of a city may be paid in whole or in part by the city, if the city elects to make such payment as provided in Section 14481.1.

(Amended by Stats. 1939, Ch. 418, and by Stats. 1960 (1st Ex. Sess.), Ch. 11. In effect April 8, 1960.)

14480.1. The board may determine the amount of the tax to be levied upon property within the incorporated areas of the district and the amount of the tax to be levied upon property within unincorporated areas of the district. The tax levied within incorporated areas of the district may be sufficiently higher than that levied in unincorporated areas to defray costs of acquiring and maintaining fire fighting implements, apparatus, and equipment, including water mains, hydrants and water, which are provided for and usable solely in protecting property within the incorporated area from loss or damage by fire.

(Added by Stats. 1939, Ch. 418.)

14480.2. A special tax shall be levied and collected for the payment of interest on bonds and for the retirement of bonds issued pursuant to this chapter. Such special tax shall be levied each year until said bonds are paid or until there shall be a sum in the bond service fund sufficient to meet all sums to become due for the principal of and interest on such bonds. Such special tax shall be sufficient to pay the interest on such bonds as the same becomes due, and also such part of the principal thereof as shall become due before the proceeds of a tax levied at the time for making the next general tax levy can be made available for the payment of such principal; provided, however, that if the

maturity of such bonds be made to begin more than one year after the date of such bonds, such special tax shall be sufficient to pay the interest on such indebtedness as it falls due and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. Said special tax shall be levied at a rate uniform throughout the district and the provisions of Section 14480.1 shall not apply to said special tax. All money derived from such tax shall be kept by the county treasurer in a special bond service fund and shall be paid by the treasurer for the payment of any matured bond or interest coupon upon presentation thereof.

(Added by Stats. 1947, Ch. 1345; amended by Stats. 1949, Ch. 741.)

14480.3. The board shall, in fixing the rate of the tax, allow not to exceed 15 percent for anticipated delinquencies.

(Added by Stats. 1947, Ch. 1345.)

14480.4. The special tax for bonds shall be collected in the same manner and at the same time as other county taxes.

(Added by Stats. 1947, Ch. 1345.)

14480.5. All costs incurred by the county in connection with the issuance of bonds pursuant to Article 7.7 of this chapter shall be reimbursed to it by the district for whose account the bonds are issued.

(Added by Stats. 1947, Ch. 1345.)

14480.6. The board may establish a fund or funds for capital outlays to finance the construction of fire stations, installation of fire alarm systems, purchase of fire apparatus, and any other needed facilities. If such a fund is established, the board shall declare the purposes for which the fund is to be used and shall include in the annual tax levy for the district an item stating the amount to be included for such purposes.

(Added by Stats. 1949, Ch. 544.)

14480.7. At any time after the creation of a capital outlay fund, the board may transfer to such fund any unencumbered surplus funds remaining to the credit of the district at the end of any fiscal year.

(Added by Stats. 1949, Ch. 544.)

14480.8. Whenever a capital outlay fund is established, it shall be used only for the purposes specified at the time the fund was established except that if it is found that the fund is no longer necessary or that there remain in the fund moneys which are no longer required for such purposes, the board shall discontinue the fund or transfer so much thereof as is no longer required for such purposes to the district general fund.

(Added by Stats. 1949, Ch. 544.)

14481. The tax shall be levied and collected at the same time and in the same manner as taxes levied for county purposes and when collected shall be paid into the county treasury and shall be used in furtherance of the purposes of this chapter with respect to the district within which collected and for no other purpose.

14481.1. On or before the first day of July in any year the governing body of any city, the area of which is located entirely or partially within a county fire protection district, may elect to pay out of municipal funds the whole or a stated percentage of the amount of taxes which will be levied for district purposes for the fiscal year commencing upon said first day of July upon property located within such city.

The election shall be made by the adoption of an order reciting that the city, pursuant to this section, elects to pay the whole or a stated percentage of the amount of taxes which will be levied by the district upon property located within the incorporated limits of the city and stating the time and manner in which payment shall be made.

Upon the adoption of the order a certified copy of same shall be presented to the governing body of the district for its approval. If the governing board of the district is satisfied that the financial condition of the city reasonably will assure such payment and if the time and manner of payment is acceptable, the board shall by order approve the city's election to pay the taxes. Immediately upon the adoption of the order approving the city's election to pay the taxes, certified copies of both orders shall be filed with the county auditor, county assessor and county tax collector.

Thereafter, if the whole of the taxes which are levied on property within the city is to be paid by the city, the county auditor shall not extend the district tax on such property, or if only a percentage of the tax which is levied on such property is to be paid by the city the auditor shall only extend the balance of the district tax on such property.

If the payment made by any city shall exceed the total amount of district taxes which have been levied against property within the city, the amount of such excess without interest shall be refunded to the city prior to the close of the fiscal year for which the payment was made.

Any election to pay taxes pursuant to this section shall be effective only for the fiscal year for which made.

(Added by Stats. 1960 (1st Ex. Sess.), Ch. 11, effective April 8, 1960; amended by Stats. 1961, Ch. 1677.)

14482. If any taxes are collected pursuant to this chapter, and it is subsequently determined by a court of competent jurisdiction that the district was not legally formed or created by reason of a failure to comply with any provision of this chapter, any person who has paid taxes levied pursuant to this chapter is entitled to a return of any taxes so paid upon the filing of a verified claim or demand for refund with the board of supervisors of the county in which the district lies, within six months after the time it is finally determined that the attempted formation of the district was ineffectual or invalid if any proceeds of the tax are on hand in the county treasury.

14483. At the expiration of the time within which claims for refunds may be made, all money then on hand shall be

divided between the county in which the district is located, and any cities which may have within their corporate limits any of the territory embraced within the boundaries of the district declared invalid, in such proportion as the area of the district lying within the county and city, respectively, bears to the entire area of the district.

14484. Any funds so divided shall be used by the city or county, as the case may be, to which apportioned, for fire protection purposes only.

14485. All warrants for the payment of any indebtedness of a district which are unpaid for want of funds, shall bear 7 per cent interest from the date of registry as unpaid with the county treasurer.

14486. The amount of such warrants shall not exceed the income and revenue provided for the year in which the indebtedness was incurred.

Article 7.1. Claims

(Article 7.1. Added by Stats. 1959, Ch. 1727)

14488. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727; amended by Stats. 1963, Ch. 1715. See note following Section 954.)

Article 7.5. Capital Outlays

(Article 7.5 added by Stats. 1945, Ch. 342)

14490. The board upon request of the commission of the district may establish a fund for capital outlays. If such a fund is established, the board shall include in the annual tax levy for the district an item stating the amount to be included for this purpose.

(Added by Stats. 1945, Ch. 342.)

14491. At any time after the creation of a capital outlay fund, the board may transfer to such fund any unincumbered surplus funds remaining to the credit of the district at the end of any fiscal year.

(Added by Stats. 1945, Ch. 342.)

14492. Whenever a capital outlay fund is established, it shall be used only for such purpose, except that if it is found that the fund is no longer necessary or that there remain in the fund moneys which are no longer required for such purpose, the board shall discontinue the fund or transfer so much thereof as is no longer required for capital outlay purposes to the district general fund.

(Added by Stats. 1945, Ch. 342.)

Article 7.7. Bonds

(Article 7.7 added by Stats. 1947, Ch. 1345)

14495. If the structure or structures, or the acquisition of real or personal property, needful for district purposes reasonably requires an immediate expenditure in excess of available funds of the district derived from ordinary taxation, the board may, and on the written request of the commission of the district evidenced by its resolution adopted by the unanimous vote of its members shall, adopt a resolution calling an election within the district upon the issuance of bonds therefor in the name of the county in which the district is located. The amount of the bonds to be issued shall not exceed the amount specified in the resolution calling the election.

(Added by Stats. 1947, Ch. 1345.)

14495.1. The resolution calling an election shall specify the date of the election, the amount of the bonds to be issued, the rate of interest or a maximum rate to be paid thereon, and the nature of the proposed structure or improvement or of the property to be acquired.

(Added by Stats. 1947, Ch. 1345.)

14495.2. Notice of election shall be given by the board at least 30 days prior to the election by publication in at least one newspaper of general circulation circulated within the district. Publication, if in a daily paper, shall be in at least six consecutive issues, and if in a weekly paper shall be in at least two consecutive issues. The board may give such other notice as it sees fit.

(Added by Stats. 1947, Ch. 1345.)

14495.3. The board shall establish precincts within the district and designate polling places within such district. In all particulars not inconsistent herewith, the general law governing elections shall apply to an election under this article.

(Added by Stats. 1947, Ch. 1345.)

14495.4. The board shall fix the date of election, which may be consolidated with any other special or general election, and shall appoint all necessary officers and provide all necessary facilities for the bond election. The board shall fix the hours during which the polls are to be open.

(Added by Stats. 1947, Ch. 1345.)

14495.5. At the election any qualified and registered elector residing within the district may vote. If at the election a majority of the voters, voting thereat, shall vote in favor of the issuance of the bonds, the board is thereupon authorized to issue the bonds.

(Added by Stats. 1947, Ch. 1345.)

14495.6. While issued in the name of the county in which the district is located, bonds issued pursuant to this article are not general obligations of the county but are special obligations payable solely out of revenue to be derived from taxation of property within the district for whose account and purposes the bonds are issued. It shall be plainly stated on the face of each bond that said bond is payable only from the revenues derived from taxes levied and collected on property within the district for whose account and purposes the bonds are issued, and that said bonds do not constitute an indebtedness of the county in whose name same are issued.

(Added by Stats. 1947, Ch. 1345.)

14495.7. Bonds issued pursuant to this chapter shall be issued as follows:

(a) A part to be determined by the board, which shall be not less than one-thirtieth of the whole amount of the indebtedness, shall be payable annually at a date and place specified.

(b) The date of the first bonds maturing may, at the discretion of the board, be postponed not more than five years from the date of issuance.

(c) The interest to be paid shall be stated upon the bond and shall not exceed the rate specified in the notice of election on issuance of such bonds.

(d) The denomination of the bonds shall be fixed by the board, but shall not be less than one hundred dollars (\$100) or more than one thousand dollars (\$1,000) each.

(e) The bonds shall be signed by the chairman or other presiding officer of the board and by the treasurer of the county in which the district is located. Signatures may be facsimile by use of an engraved or a lithographed signature.

(f) Interest coupons shall be numbered consecutively and signed by the treasurer of the county in which the district is located, in like manner as the bonds.

(Added by Stats. 1947, Ch. 1345.)

14495.8. Such bonds shall be sold by, or on behalf of, the board for not less than the face value thereof.

(Added by Stats. 1947, Ch. 1345.)

14495.9. In case the term of office of any officer whose signature is required upon a bond or coupon expires before delivery of such bond or coupon, his signature thereon shall be valid for all purposes connected with such bond or coupon.

(Added by Stats. 1947, Ch. 1345.)

14495.10. The proceeds of sale of all bonds so issued shall be deposited with the treasurer of the county in which the district is located for the account of the district general fund, and shall be withdrawn therefrom only upon the order of the district and only for the carrying out of the purposes for which the bonds were issued.

(Added by Stats. 1947, Ch. 1345.)

14496. In determining the amount of bonds to be issued, the legislative body may include:

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said bonds, and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

(Added by Stats. 1957, Ch. 1378.)

Article 8. Title to Property

14500. The title to all property acquired for a district is vested in the county in which the district is located.

14501. Whenever all of the territory in a district is annexed to, or otherwise included within, any city, the district may be dissolved. Such dissolution shall be effective upon the filing with the State Board of Equalization, the governing body of the district, the county clerk or registrar of voters, and the county assessor, of copies of a resolution of the legislative body of the city, describing the district and declaring such district dissolved; provided, that if the district is not dissolved within one year after the effective date of the inclusion, the district may be dissolved thereafter only pursuant to the provisions of Article 13 (commencing at Section 14580). Upon the dissolution of the district, the property of the district becomes the property of the city.

(Amended by Stats. 1959, Ch. 1539.)

14502. All money in the county treasury to the credit of the district or of any district fund, shall be transferred to the treasury of the city and shall be used for the purposes for which it was available prior to the transfer and none other.

14503. Upon such annexation or inclusion, the city becomes liable for all outstanding liabilities of the district incurred prior to its dissolution; provided, however, that the principal of and interest on any outstanding bonds issued for the account of the district shall continue to be paid from the proceeds of special taxes levied by the board, as provided in Section 14480.2, upon the property in the territory constituting the district at the time of its dissolution.

(Amended by Stats. 1949, Ch. 741.)

14504. Whenever all of the territory of a district is annexed to, or otherwise included within, two or more cities, the district may be dissolved in the manner set forth in Section 14501, and the board shall apportion the property of the district and its unexpended funds between the cities in propor-

tion to the respective assessed valuations of the property annexed to each city.

(Amended by Stats. 1959, Ch. 1539.)

14505. Upon such annexation or inclusion each city becomes liable for its proportion, computed as above, of all the outstanding liabilities of the district incurred prior to its dissolution; provided, however, that the principal of and interest on any outstanding bonds issued for the account of the district shall continue to be paid from the proceeds of special taxes levied by the board, as provided in Section 14480.2, upon the property in the territory constituting the district at the time of its dissolution.

(Amended by Stats. 1949, Ch. 741.)

14506. Any property or equipment of the district not capable of apportionment may be sold at public auction as in the case of other county property not required for public use and the proceeds of sale shall be apportioned between the respective cities as above provided.

Article 9. Annexation

14510. At any time after the establishment of a district the board may determine that territory, whether or not it is contiguous to the district, should be annexed to the district. Any territory so annexed shall include all of the real estate and improvements of the parcel involved.

(Amended by Stats. 1949, Ch. 544.)

14511. The board shall fix a time and place for the hearing of the matter of the annexation and shall direct its clerk to publish a notice once a week for two successive weeks in a newspaper circulated in the territory which it is proposed to annex which the board deems most likely to give notice to the inhabitants of the territory.

14512. The notice shall be headed "Notice of the proposed annexation of territory to the ----- County Fire Protection District in ----- County," stating the name of the district and county, and shall contain a statement of the time and place for hearing on the matter.

14513. The notice shall designate the territory proposed to be annexed.

14514. At the time and place of hearing, or at any time to which it is continued, the board shall hear any person objecting to the annexation or objecting to the annexation of any portion of the territory.

14515. At the conclusion of the hearing the board may refuse to annex any territory to the established district or it may include all or a portion of the territory proposed to be annexed. If the board determines to annex any territory it shall so declare by resolution and thereupon the territory is annexed to the district for all purposes of this chapter.

14516. Property in territory annexed to the district shall, from and after the date of such annexation, be subject to tax,

levied as provided in Section 14480.2, to pay the principal of and interest on bonds issued for the account of the district outstanding at the time of such annexation.

(Added by Stats. 1949, Ch. 741.)

Article 10. Consolidation

14525. At any time after the establishment of two or more districts in any county, the board may determine that any two or more of the districts, whether or not they are contiguous, should be consolidated.

14525.1. Upon the consolidation of two or more districts, the employees of each district named shall be blanketed into the employment of the consolidated district. The relative standing with respect to seniority and position of all employees blanketed into the employment of the consolidated district shall be determined upon the basis of their position and seniority credits to which each such employee was entitled by virtue of his prior service in the districts.

(Added by Stats. 1949, Ch. 544.)

14526. The board shall fix a time and place for hearing the matter of consolidation of the districts and shall direct its clerk to publish a notice once a week for two successive weeks in a newspaper or newspapers circulated in each of the districts which it proposes to consolidate, and which the board deems most likely to give notice to the inhabitants of the districts.

14527. The notice shall be headed "Notice of the proposed consolidation of ----- County Fire Protection District and ----- County Fire Protection District," stating the names of the districts proposed to be consolidated and shall contain a statement of the time and place fixed by the board for hearing the matter.

14528. The notice shall state that it is proposed to consolidate into one district all of the territory within the named districts.

14529. At the time and place fixed for hearing or at any time to which the hearing may be continued, the board shall hear any person objecting to the consolidation.

14530. At the conclusion of the hearing the board may refuse to consolidate any of the districts or it may order the consolidation of any or all of the districts proposed to be consolidated.

14531. If the board determines to consolidate any of the districts it shall so declare by resolution stating the name by which the consolidated district shall be known.

14532. The district resulting from the consolidation of two or more districts shall become liable for all outstanding liabilities of the districts consolidated, including the principal of and interest on any outstanding bonds of any of the districts consolidated. Such principal and interest shall be paid from the

proceeds of taxes levied as provided in Section 14480.2 upon the property in the district created by the consolidation.

(Added by Stats. 1949, Ch. 741.)

Article 11. Withdrawal Upon Inclusion in City

14540. Whenever any portion of a district is included within a city by annexation such portion may be withdrawn from the district. The legislative body of the city may within one year after the annexation proceedings are complete provide by resolution that such territory shall be withdrawn from the district. Such withdrawal shall be effective on the date fixed by the legislative body of the city, which date shall not be more than two years after the annexation proceedings are complete. Where the withdrawal is effective on or before February 1st of the fiscal year the district shall furnish fire protection services to the territory until the first day of July next succeeding. Where the withdrawal is effective subsequent to February 1st of the fiscal year and where the territory is subject to district taxation and assessment the district shall furnish fire protection services to the territory until the thirtieth day of June of the fiscal year next succeeding.

If the portion of the district included within a city by annexation is not withdrawn within two years after the annexation is complete, or before January 1, 1960 whichever is later, it may be withdrawn thereafter only pursuant to provisions of Article 12 (commencing at Section 14560), Chapter 2, Part 3, Division 12 of the Health and Safety Code, or by the adoption of a measure authorizing such withdrawal by a majority of the voters at a city election held pursuant to the provisions of Part 2 (commencing at Section 9480), Division 11 of the Elections Code.

(Amended by Stats. 1951, Ch. 1283, by Stats. 1953, Ch. 1192, by Stats. 1955, Ch. 115, by Stats. 1957, Ch. 797, and by Stats. 1959, Ch. 1539.)

14541. Whenever any portion of a district is included within a city by reason of incorporation, such portion may be withdrawn from the district within one year after the effective date of the incorporation or before January 1, 1958, whichever is later. Such withdrawal shall be effective upon the filing with the State Board of Equalization, the governing body of the district, the county clerk or registrar of voters, and the county assessor, of copies of a resolution of the legislative body of the city, describing the included portion, and declaring such portion withdrawn.

If the portion of the district included within a city by reason of incorporation is not withdrawn within one year after the effective date of the incorporation or before January 1, 1958, whichever is later it may be withdrawn thereafter only pursuant to the provisions of Article 12, Chapter 2, Part 3, Division 12 of the Health and Safety Code, or by the adoption of a measure authorizing such withdrawal by a majority of

the voters at a city election held pursuant to the provisions of Part 2, Division 11 of the Elections Code.

(Repealed by Stats. 1951, Ch. 1283; added by Stats. 1957, Ch. 797.)

14542. (Repealed by Stats. 1951, Ch. 1283.)

NOTE: Stats. 1951, Ch. 1283, also contained the following provision:

SEC. 8. Section 4 [which repeals Health and Safety Code Sections 14008, 14541, 14542, 14543, 14544, 14545, 14547, 14810, and 14812] of this act shall not be operative with respect to portions of fire protection district territory included within cities by annexations or incorporations completed prior to the effective date of this act.

14543. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14542.)

14544. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14542.)

14545. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14542.)

14546. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14542.)

14547. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14542.)

14548. Upon the withdrawal of territory of a district by a city as provided for in Sections 14540 and 14541, such city shall be liable for water or hydrant service, or both such services, being furnished under contract for fire protection within the area withdrawn. The city's responsibility for water or hydrant service, or both such services, shall begin on the date that the district is relieved of the responsibility of furnishing fire protection to the area withdrawn.

(Amended by Stats. 1961, Ch. 1677.)

14549. Upon the withdrawal of any territory of a district, by inclusion within a city:

(a) If the assessed value of the real property within the area withdrawn represents one-half of 1 percent, or less, of the total assessed value of the real property within the district prior to the withdrawal, as determined from the last equalized assessment roll of the property within the district, all of the property and assets of the district shall be retained by the district.

(b) If the assessed value of the real property in the area withdrawn exceeds the amount prescribed by subdivision (a), the city and the district shall have six months from the effective date of the withdrawal in which, after giving consideration to all factors involved, including population, assessed valuation, the effect of the annexation or change of boundaries on the remaining portion of the district, the length of time the portion being withdrawn has paid taxes and the total amount of such taxes paid, and such other matters as should be considered in arriving at an equitable distribution, they may establish a mutually agreeable basis for the distribution of the property and assets of the district between the city and the remaining district. If, within such period a mutually agreeable

basis is reached, the property and assets of the district shall be distributed between the city and the remaining district upon such basis.

(c) If, under the provisions of subdivision (b), no mutually agreeable basis for the distribution of the property and assets of the district is reached within the six month period, on the date the district ceases to furnish fire protection service to the area withdrawn or upon the end of the six month period, whichever is the last to occur, all of the property and unencumbered funds of the district shall be divided between the city and the remaining district in proportion to the average assessed value of the real property within the area withdrawn to the average assessed value of the real property within the entire district during the five year period prior to the effective date of the withdrawal, as determined from the equalized assessment rolls for such period.

All funds and property received by the city shall be used exclusively and directly for the prevention and extinguishment of fires; provided, that nothing herein shall prevent the sale of property not needed for such purposes for its fair market value if the funds derived from such sale are used solely for such purposes.

For the purpose of this section, the unencumbered funds are the sum of money, uncollected taxes, and other uncollected amounts in excess of an amount sufficient to pay all claims and accounts against the district, but shall not include funds necessary for the maintenance and operation of the district for any period for which the district has the duty to provide fire protection services within the area withdrawn.

(Amended by Stats. 1951, Ch. 860, by Stats. 1953, Ch. 383 and Ch. 1092, by Stats. 1957, Ch. 760, and by Stats. 1959, Ch. 1467.)

14550. Property in territory withdrawn or detached from a district, whether by inclusion within a city, by proceedings taken following inclusion within a city, by proceedings taken upon a petition, or otherwise, shall continue to be subject to tax, levied as provided in Section 14480.2, to pay the principal of and interest on bonds issued for the account of the district and outstanding at the time of such withdrawal or detachment.

(Added by Stats. 1949, Ch. 741.)

14551. (a) When land, upon which there are structural improvements owned, being acquired or leased by a district, is withdrawn from the district and included in a city by incorporation, annexation or otherwise, the city shall, if it succeeds to the rights of the district in such structural improvements, as a part of the division of property provided for in Section 14549, assume the outstanding liability of the district in connection with the acquisition or leasing of such improvements.

(b) In every case where land, upon which there is a structural improvement owned, being acquired or leased by a district, is proposed to be annexed to a city, the clerk of such city shall cause written notice of such proposed annexation to be

mailed to the governing body of such district. Such notice shall be sent not less than 10 days before the first public hearing upon such proposed annexation.

(Added by Stats. 1951, Ch. 985.)

Article 12. Withdrawal Upon Petition

14560. Any portion of a district which will not be benefited by remaining within the district, may be withdrawn from it.

14561. Fifty or more freeholders within the portion desired to be withdrawn from the district, or a majority of such freeholders, if there are less than 100 freeholders within the portion sought to be withdrawn, may file a petition with the board requesting the withdrawal of the portion from the district on the ground that it will not be benefited by remaining in the district.

14562. The board shall fix a time for hearing the petition and protests to the continuance of the remaining territory as a district.

14563. The time of hearing shall be not less than 10 nor more than 30 days after the receipt of the petition.

14564. The board shall, at least a week prior to the time so fixed, publish a notice of hearing by one insertion in a newspaper circulated in the district, which the board deems most likely to give notice to its inhabitants of the proposed withdrawal.

14565. The notice shall also be posted in three of the most public places in the district, one of which shall be within the portion of the district desired to be withdrawn, at least one week prior to the time fixed for hearing.

14566. Any person interested may appear at the hearing and object to the withdrawal of the portion from the district, or to the continuance of the remaining territory as a district.

14567. The board shall consider and pass upon the objections, and if it finds that the portion of the district sought to be withdrawn will not be benefited by remaining in the district, and that the territory not sought to be withdrawn will be benefited by continuing as a district, it shall grant the petition.

14568. Upon the withdrawal of any territory from a district, all property acquired for the district remains vested in the county and shall be used for the purposes of the district.

Article 13. Dissolution

14580. Any district may be dissolved by the board.

14581. Fifty or more freeholders and residents of such district, or a majority of such freeholders and residents if there are less than 100 freeholders and residents in the district, may file a petition with the board, requesting the dissolution of the district.

14582. The board shall fix a time for hearing the petition, which shall be not less than 10 nor more than 30 days after the receipt of the petition, and shall at least one week prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper of general circulation circulated in the district.

14583. At the time appointed for hearing, or at any time to which the hearing may be continued, the board shall hear and pass upon the petition, and any objections which may be made to the granting of the petition.

14584. The board shall consider and pass upon the objections and may either deny the petition for dissolution or, by resolution, call an election upon the proposition of dissolution of the district.

14585. The resolution shall specify the date of the election which shall be held not less than 20 days after the adoption of the resolution.

14586. The resolution shall also designate one or more precincts within the boundaries of the district, a polling place in each precinct, and the names of the election officers, who shall be one inspector, one judge, and one clerk, in each precinct.

14587. In all other particulars the election shall be held as provided by law for holding a general election in the county.

14588. No notice of election other than the publication and posting of the resolution need be given.

14589. The resolution ordering the election shall be published once a week for two successive weeks prior to the date set for the election, in the newspaper of general circulation circulated within the district, and deemed by the board to be most likely to give notice of the election to the electors. The resolution shall also be posted in three of the most public places within the district at least 10 days prior to the date of election.

14590. The ballots used at the election shall state in substance the following proposition: "Shall the ----- County Fire Protection District in ----- County (stating the name of the district and the name of the county in which it is located) be dissolved," and opposite the proposition shall be printed the words "Yes" and "No" with appropriate voting squares.

14591. If a majority of the votes cast are in favor of the dissolution of the district, the board shall enter a finding to that effect upon its minutes and the district is dissolved.

14592. Upon the dissolution of any district pursuant to this article, the property of the district remains the property of the county in which the district is located and may be used, together with any money remaining in the funds of the district, for general fire protection purposes throughout the county.

14593. Whenever it shall appear that because of withdrawals of territory there remains in any district only territory which will not be benefited by the continued existence

of the district either because such remaining territory is uninhabited or because it contains no improvements which need fire protection the board may without notice, hearing or election order the district dissolved forthwith.

(Added by Stats. 1941, Ch. 76.)

14594. In the event that a district is dissolved as a result of an election therein, by order adopted pursuant to Section 14593, or otherwise, the property in the territory constituting the district at the time of its dissolution shall continue to be subject to tax, levied as provided in Section 14480.2, to pay the principal of and interest on any bonds issued for the account of the district and outstanding at the time of such dissolution; provided, that this section shall not apply in the case of the dissolution of a district by reason of its consolidation with one or more other districts, which case shall be governed by the provisions of Section 14532.

(Added by Stats. 1949, Ch. 741.)

Article 14. Creation of Special Fire Protection Zones

(Article 14 added by Stats. 1949, Ch. 583)

14598. The board of supervisors shall have power by resolution on its own motion to initiate proceedings for creation of a special fire protection zone in the district for purpose of paying for installation of capital improvements such as fire mains, fire plugs, or any other similar improvement which is of sole benefit to the territory in said zone, or for purchase of equipment or employment of personnel over and above the equipment and personnel which the district can afford to furnish to said zone out of its general district tax.

(Added by Stats. 1949, Ch. 583.)

14598.1. Said resolution initiating said proceedings shall describe the boundaries of said special fire protection zone, declaring that public interest and necessity demands its creation and the reasons therefor and therein set a date for public hearing on the question of creation of said zone before the board of supervisors.

(Added by Stats. 1949, Ch. 583.)

14598.2. Notice of said hearing shall be given by publication of a copy of said resolution in a newspaper of general circulation published and printed in said county, and by posting copies thereof, one in each of at least three public places in said proposed zone, at least thirty (30) days prior to date of hearing.

(Added by Stats. 1949, Ch. 583.)

14598.3. Any person interested, at or before said hearing, may file with the clerk of the board a written objection to the creation of said zone or to the inclusion of his property in it. At said hearing the board shall hear and determine all protests and objections. At the conclusion of the hearing the board shall decide and determine whether the district shall be formed with the boundaries as described in the original resolution, except that it may revise the proposed boundaries by reducing the

size of said district. A copy of the order creating said special zone describing the territory thereof, accompanied by a plat thereof, shall be filed with the agencies designated in and as required by Sections 54900, 54901 and 54902 of the Government Code.

(Added by Stats. 1949, Ch. 583.)

14598.4. On and after the date of creation of said special fire protection zone, subject to the provisions of said Sections 54900, 54901 and 54902 of the Government Code, the board shall have the power and duty to levy on all taxable property in said zone a tax for expenditures for such purposes provided for in the resolution which it determines to be for the sole benefit of said zone.

(Added by Stats. 1949, Ch. 583.)

14598.5. Any special zone so created may be abolished by resolution of the board of supervisors after hearing held in the manner provided for in this article for the original creation of the zone, whenever the board determines that the public interest and necessity mentioned in the original order of creation no longer exists.

(Added by Stats. 1949, Ch. 583.)

CHAPTER 3. FIRE PROTECTION DISTRICTS IN ONE OR MORE COUNTIES

Article 1. General Provisions

14600. Contiguous unincorporated territory lying within one or more counties and not included in any other fire protection district and not including timber land patrolled by the State Board of Forestry or in accordance with its rules and regulations, may be formed into a county fire protection district in the manner provided in this chapter.

14601. "District," as used in this chapter, means a fire protection district formed pursuant to this chapter or pursuant to any law which it supersedes.

14602. "Directors," as used in this chapter, means the board of directors of a district.

14603. A district formed or proposed to be formed under this chapter is not subject to any provisions of the "District Investigation Act of 1933" (commencing with Section 58500 of the Government Code).

(Amended by Stats. 1939, Ch. 222, and by Stats. 1963, Ch. 278.)

14604. The title to all property which may have been acquired for a district is vested in the district.

14605. Whenever any district is dissolved all of its property shall be disposed of to the highest bidder, and the proceeds, together with all money in the county treasury to the credit of any fund of the district, shall upon dissolution be applied to the maintenance and repair of the highways in the district.

14606. No district shall be created or organized pursuant to this chapter after the effective date of this section. At any

time within five years after the effective date of this section, any district heretofore created or organized pursuant to this chapter may elect to come under the provisions of Part 2.7 (commencing with Section 13801), Division 12 of the Health and Safety Code and shall by resolution of the governing body of a district with an elected board of directors, or by resolution of the supervising authority of a district with an appointed board of directors, certify to the Secretary of State that the district has elected to conform to the provisions of that part.

Any district organized prior to the effective date of this section which has not, within five years after the effective date of this section, elected to come under the provisions of Part 2.7 (commencing with Section 13801), Division 12 of the Health and Safety Code shall automatically be considered as organized and operating under that part. Upon the automatic reorganization of a district, the governing body of the former district shall be deemed to be the governing body of the reorganized district and the assets and liabilities of the former district shall vest in the reorganized district.

(Added by Stats. 1961, Ch. 565.)

Article 2. Petition and Hearing

14610. Twenty-five percent or more of the holders of title or evidence of title to lands lying in one body and whose names appear as such upon the next preceding county assessment rolls may petition the board of supervisors of the county in which the land or the greater portion of it lies, setting forth the exterior boundaries of the proposed district, and asking that the district so described be formed into a district.

14611. The board of supervisors shall pass a resolution declaring their intention to organize the territory into a district, naming the district and describing its exterior boundaries.

14612. The resolution shall fix a time and place for hearing not less than 30 days after its adoption and direct the clerk of the board of supervisors to publish the notice of intention to form the district, and of the time and place fixed for hearing, and shall designate some newspaper of general circulation published in the county and circulated in the proposed district, or if there is no newspaper so published and circulated, then in some newspaper of general circulation circulated in the proposed district.

14613. The notice shall be headed "Notice of the proposed formation of ----- County Fire Protection District in ----- County (stating the name of the proposed district and the name of the county or, if there is more than one county, the names of all of the counties)."

14614. The notice shall state the fact that the board of supervisors has fixed the time and place, which shall be stated in the notice, for hearing the matter of the formation of the district.

14615. The notice shall describe the territory or shall specify the exterior boundaries of the territory proposed to be organized into a district, which boundaries, so far as practicable, shall be the center lines of highways.

14616. The notice shall be published once a week for two successive weeks prior to the time fixed for hearing in the newspaper designated by the board.

14617. At or prior to the time fixed for hearing, any person interested may file with the clerk of the board written objections to the formation of the district.

14618. At the hearing, or at any time to which it may be adjourned, the board of supervisors shall hear and pass upon the objections filed, if any.

14619. The board may sustain any or all of the objections filed and change or alter the boundaries of the proposed district to conform to the needs of the district and to exclude any land that will not be benefited by the formation of the district.

14620. Any owner of lands adjacent to the district may, by written application filed with the board at or before the time of the hearing, in the discretion of the board, have such lands included within the proposed district. Other lands not included in the proposed district by the original petition may not be included in the district.

14621. Upon the hearing the board shall determine whether or not the petition complies with the requirements and purposes of this chapter, and shall hear all competent and relevant testimony offered in support or in objection to the petition.

14622. The board shall by resolution determine whether or not the proposed district shall be formed and the determination shall be entered upon its minutes.

14623. When the boundaries of the proposed district are established by the board, it shall make an order dividing the district into three or five divisions as nearly equal in size as practicable.

14624. The divisions shall be numbered consecutively and constitute election precincts for the district.

14625. One director, who shall be a resident of the precinct for which he is elected, shall be elected by each precinct, except when requested in the petition, three directors who are residents of the district, shall be elected at large by the district.

Article 3. Election on Organization

14630. If the board determines that a district should be formed it shall give notice of an election to be held in the proposed district for the purpose of determining whether or not the district shall be formed.

14631. The notice shall designate a name for the proposed district and describe the boundaries of the precincts, when more than one, together with a designation of the polling places and board of election for each precinct.

14632. The notice shall be published once a week for at least three weeks previous to the election in a newspaper published or circulated within the boundaries of the proposed district and published within the county in which the petition for the organization of the district was presented.

14633. The notice shall require the electors to cast ballots which shall contain the words "----- County Fire Protection District—Yes" or "----- County Fire Protection District—No" or their equivalent, and also the names of persons to be voted for to fill the office of director.

14634. The election shall be conducted as nearly as practicable in accordance with the general laws of the State, but no particular form of ballot is required.

14635. Holders of title or evidence of title to lands within the district, and no others, are qualified and entitled to vote either in person or by proxy at any election.

14636. No person shall cast a vote by proxy unless his authority to do so is evidenced by an instrument in writing acknowledged before a notary public and filed with the election board.

14637. The board of supervisors shall on the first Monday succeeding the election, or at its next succeeding general or special session, canvass the votes and if it appears that a majority of all votes cast in the district, and in each portion of the counties included in the district in case lands in more than one county are included, are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare the territory organized as a district and shall declare the persons receiving respectively the highest number of votes for directors, to be elected.

14638. The board shall cause a copy of the order certified by the clerk of the board to be immediately filed for record in the office of the county recorder of the county in which any portion of the lands embraced in each district is situated, and shall immediately forward a copy to the clerk of the board of supervisors of each of those counties.

14639. From and after such filings the organization of the district is complete.

14640. No board of supervisors shall, after the date of the organization, allow another fire protection district to be formed which includes any portion of the lands in the district without the consent of the landowner.

Article 4. Government of District

14650. The directors elected shall immediately enter upon their duties.

14651. Excepting the members of the first board, they shall hold office for a term of three years from and after their election and until their successors are elected and qualified.

14652. The members of the first board of directors shall at their first meeting so classify themselves by lot that one of their number goes out of office on the second Monday of April

of the year next succeeding the first election; one on the second Monday of April of the second year succeeding; and one on the second Monday of April of the third year succeeding.

14653. After classification the directors shall organize as a board, elect a president from their number, and appoint a secretary who shall each hold office during the pleasure of the board.

14654. After the first election, an election shall be held each year on the last Tuesday in March at which one director shall be elected.

(Amended by Stats. 1957, Ch. 1102.)

14654.5. If on the fortieth day prior to the day fixed for the general district election it appears that only one person has been nominated for the position of member of the board of directors to be filled at that election and a petition signed by five percent (5%) of the qualified electors in the district, requesting that the general district election in the district be held, has not been presented to the board of directors of the district, an election shall not be held, but the board of supervisors at a regular or special meeting held prior to the day fixed for the election shall appoint to the position the person who has been nominated. If no person has been nominated, the board of supervisors shall appoint any qualified person to the position. The person appointed shall qualify and take office and serve exactly as if elected at a general district election.

In such instances the publication provided for in Section 14655 shall, instead of calling an election, state that no election is to be held and that the board of supervisors will appoint a member of the board of directors.

(Added by Stats. 1947, Ch. 1206.)

14654.6. Notice that such appointment may be made in the event that only one or no nomination is made and no petition requesting an election is filed, shall be published in a newspaper of general circulation in the district, once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

(Added by Stats. 1961, Ch. 523.)

14655. Notice of the election shall be given by the directors by posting in three public places within the district for at least two weeks before the election and, in a newspaper printed or published in the district by publication in such newspaper, at least twice within 30 and not less than five days prior to the election. If there be more than one such newspaper, the one of most general circulation shall be selected. If there be no newspaper published in the district, then said publication shall be in the county in which the district has the greatest portion, and which is of the most general circulation in said district.

(Amended by Stats. 1945, Ch. 984.)

14656. The board of directors shall appoint an election board which shall consist of a judge, an inspector and two clerks.

(Amended by Stats. 1945, Ch. 985.)

14657. The board of directors may fix the polling place and hours when polls shall be open. Whenever practicable, the polling places used for school elections shall be designated.

(Amended by Stats. 1945, Ch. 986.)

14658. The elections shall be conducted in accordance with the provisions of the general election laws except as in this chapter provided to the contrarv. The board of directors shall by by-law provide the manner of nomination of candidates which shall conform as nearly as practicable to general election laws. The signatures of 10 electors qualified to participate in district elections are required to nominate a candidate for any district office. Names of nominees and candidates shall have been filed with the secretary of the board at least five days prior to the publication of the notice provided for in Section 14655 and such names shall be stated in such notice of holding of election.

(Amended by Stats. 1945, Ch. 987 and by Stats. 1951, Ch. 853.)

14659. The judges of election shall, within 24 hours after the election, make returns and certify the votes, and the names of the persons voted for to the directors.

14660. Within five days after the returns have been received by the directors, they shall count the votes, determine who has been elected, and issue certificates of election to the persons elected.

14661. If the office of director is vacated by forfeiture, death, resignation, or from any cause other than expiration of the term, the vacancy shall be filled by appointment by the board of supervisors.

(Added by Stats. 1951, Ch. 853.)

Article 5. Powers and Duties of Directors

14680. The directors shall manage and conduct the business and affairs of the district.

14681. They shall make and enforce all rules and regulations necessary for the administration and government of the district and for the furnishing of fire protection to it.

14682. They shall make and execute in the name of the district all necessary contracts, adopt a seal for the district, provide for the payment of all the debts and claims against the district, and employ agents and employees for the district sufficient to maintain and operate the property acquired for the purposes of the district.

14683. The directors may acquire real or personal property for the purposes of the district, dispose of property when no longer needed, construct needed structures, and acquire, hold and possess, either by donation or purchase, in the name and on behalf of the district any land or other property necessary for the purposes of the district, whether the property is located within or outside the boundaries of the district.

(Amended by Stats. 1955, Ch. 791.)

14683.5. The directors may acquire real property, or any interest therein, within or outside the boundaries of the district for prospective use as the location for structures or facilities of the district for the prevention and suppression of fires and may, until such time as the property is required for such structures or facilities, create a leasehold interest therein on such terms as the directors deem will be of benefit to the district. No real property or interest therein shall be acquired by the directors pursuant to this section outside the boundaries of the county or counties in which the district is located unless the board of supervisors of each county in which such property is located has consented to such acquisition by resolution.

(Added by Stats. 1961, Ch. 1652.)

14684. They shall eliminate and remove fire hazards within the district wherever practicable and possible whether on private or public premises and to that end may clear the public highways and, where permitted, private lands, of dry grass, stubble, brush, rubbish, or other inflammable material, which in their judgment constitutes a fire hazard.

14685. The directors shall perform all other acts necessary, proper and convenient to accomplish the purposes of this chapter.

14686. The directors may adopt ordinances to prevent fires and conflagrations, and for the protection of property at and during the pendency of any fire, and for that purpose may provide that at and during the pendency of any fire the officers of the fire company or companies present are vested with the powers of peace officers.

14687. An ordinance shall be signed by the directors, and published in a newspaper printed in the district, or posted in three of the most public places of the district, for a period of two weeks, at the end of which time it becomes a law for the government of the inhabitants of the district.

14688. Every person who violates any of the provisions of an ordinance of the directors is guilty of a misdemeanor.

14689. Any judge of the municipal court or justice court of the judicial district, within which the fire protection district is situated, has jurisdiction of prosecutions under this chapter.

(Amended by Stats. 1953, Ch. 608.)

14690. A district may contract with any other fire protection district to provide fire protection services for the area of such other fire protection district or any portion thereof.

(Added by Stats. 1961, Ch. 1949.)

Article 6. Finance and Taxation

14700. The directors of each district shall annually on or before the twentieth day of July estimate the amount of money which will be needed to defray the cost of maintenance of the district, and to meet other expenditures authorized in connection with the district.

14701. The directors shall ascertain from the assessor or assessors the assessed value of the assessable property within the district.

14702. They shall then determine the amount of the tax sufficient to raise the sum estimated to be necessary.

14703. The amount of money to be raised for the purpose of establishing and equipping a district with fire-fighting facilities shall not in any one year exceed 1 percent of the assessable property within the district.

14704. The amount of money to be raised for the purpose of maintaining a district each year shall not exceed 1 percent of the assessable property within the district.

(Amended by Stats. 1953, Ch. 1288.)

14705. When so determined, the amount of the tax shall be certified to the boards of supervisors of the counties in which any portion of the district is located.

14706. The boards of supervisors shall, at the time of making the levy of county taxes for that year, levy the tax certified upon all taxable property, real, personal or mixed, in the district.

14707. The tax when levied shall be entered upon the assessment rolls and collected in the same manner as State and county taxes.

14708. When the tax is collected it shall be placed in the treasury of the county in which the greater portion of the district is located, to the credit of the current expense fund of the district and shall be used only for the purpose for which it was raised.

14709. All accounts, bills and demands against the district shall be audited, allowed and paid by the directors by warrants drawn on the county treasurer. The county treasurer shall pay the warrants in the order in which they are presented.

14710. When any warrant of the district, properly drawn on any fund in the official custody of the county treasurer, is presented to the county treasurer for payment, and it is not paid for want of funds, the county treasurer shall endorse thereon "not paid for want of funds" and the date and time of presentation and sign his name thereto. From that time until paid the warrant bears interest at the rate of 5 percent a year.

(Added by Stats. 1955, Ch. 248.)

Article 6.5. Creation of Special Fire Protection Zones

(Article 6.5 added by Stats. 1955, Ch. 1085)

14712. Whenever the board of directors deems it to be for the best interest of the public, it may, by resolution, initiate proceedings for creation of a special fire protection zone in the district for the purpose of paying for installation of capital improvements such as fire mains, fire plugs, or any other similar improvement which is of sole benefit to the territory in

said zone, or for purchase of equipment or employment of personnel over and above the equipment and personnel which the district can afford to furnish to said zone out of its general district tax.

(Added by Stats. 1955, Ch. 1085.)

14713. Said resolution initiating said proceedings shall describe the boundaries of said special fire protection zone, declaring the public interest and necessity demand its creation and the reasons therefor and therein set a date for public hearing on the question of creation of said zone before the board of directors.

(Added by Stats. 1955, Ch. 1085.)

14714. Notice of the hearing shall be given by publication of a copy of the resolution pursuant to Section 6061 of the Government Code within the district and by posting copies of the resolution in at least three public places in the proposed zone, at least thirty (30) days prior to the date of the hearing.

(Added by Stats. 1955, Ch. 1085; amended by Stats. 1957, Ch. 357.)

14715. Any person interested, at or before said hearing, may file with the board of directors a written objection to the creation of said zone or to the inclusion of his property in it. At said hearing the board of directors shall hear and determine all protests and objections. At the conclusion of the hearing the board of directors shall decide and determine whether the proposed zone shall be created with the boundaries as described in the original resolution, except that the board of directors may revise the proposed boundaries by reducing the size of the said zone. A copy of the order creating said special zone describing the territory thereof, accompanied by a plat thereof, shall be filed with the agencies designated in and as required by Sections 54900, 54901, and 54902 of the Government Code.

(Added by Stats. 1955, Ch. 1085.)

14716. On and after the date of creation of said special fire protection zone, subject to the provisions of said Sections 54900, 54901, and 54902 of the Government Code, the board of supervisors shall have the power and duty to levy on all taxable property in said zone a tax for expenditures for such purposes provided for in the resolution which the board of directors has certified to the board of supervisors to be for the sole benefit of said zone.

(Added by Stats. 1955, Ch. 1085.)

14717. The board of directors shall have power by resolution to abolish any special zone so created, after hearing held in the manner provided for in this article for the original creation of the zone, whenever the board of directors determines that the public interest and necessity mentioned in the original order of creation no longer exists.

(Added by Stats. 1955, Ch. 1085.)

Article 7. Inclusion of Territory

14720. Territory contiguous to any district and in a county in which some part of the district lies may be included in the district.

14721. All of the owners in fee of real property in the contiguous territory, as shown by the last equalized assessment roll of the county in which the territory is located, may file a petition with the board of supervisors of each county in which the district is situated.

14722. The petition shall designate specifically the boundaries of the contiguous territory, state that such territory is not within the fire limits of any other fire district, and ask that the territory be included in the district.

14723. The petition shall also be signed by the board of directors of the district.

14724. The petition shall be verified by the affidavit of one of the petitioners.

14725. A notice stating the time when the petition will be presented to the board of supervisors and that all persons interested may appear and be heard, shall be posted at least two weeks preceding the hearing in three public places in the district.

14726. At the hearing the board of supervisors shall hear the petition and any person interested, and may adjourn the hearing from time to time.

14727. Upon the hearing of the petition the board may determine whether or not it is for the best interests of the district and of the contiguous territory that the territory be included in the district.

14728. The board may modify the boundaries of the territory proposed to be included.

Article 8. Change of Boundary

14735. The boundaries of a district may be altered and new territory annexed pursuant to this article.

14736. The directors of any district, upon receiving a written petition for annexation containing a description of territory contiguous to the district and proposed to be annexed, signed by not less than 20 percent of the holders of title or evidence of title to lands within the territory proposed to be annexed, whose names appear as such on the last preceding county assessment roll, shall cause a notice of filing of the petition to be published in the same manner and for the same time as is required as to notices of the proposed formation of a district.

14737. The notice shall state the fact of the filing of the petition, the names of the petitioners, a description of the lands mentioned in the petition, and the prayer of the petition.

14738. The notice shall notify all persons interested in, or that may be affected by the change of the boundaries of the

district, to appear at the offices of the directors, at a time named, and show cause in writing, if any they have, why the proposed change in boundaries should not be made.

14739. The time specified in the notice shall be the regular meeting of the board next after the expiration of time for publication of the notice.

14740. The petitioners shall advance to the directors sufficient money to pay the estimated costs of all proceedings.

14741. The directors, at the time and place mentioned in the notice, or at such other time to which the hearing may be adjourned, shall hear the petition, and all objections presented in writing by holders of title or evidence of title to lands within the district or within the territory proposed to be annexed.

14742. The directors may require as a condition precedent to the granting of a petition, that the petitioners shall severally pay to the district such respective sums as nearly as the same can be estimated and in the several amounts determined by the directors as the petitioners or their grantors would have been required to pay the district as taxes, had the lands been included in the district at the time it was originally formed.

14743. At the hearing, the directors shall hear and determine all objections and shall exclude all lands within the territory proposed to be annexed which will not be benefited by inclusion.

14744. If the directors deem it for the best interest of the district that the boundaries of the district be changed as proposed or as such proposal may be altered by the exclusion of lands not benefited, the directors shall submit the question of change in boundaries at the next election to be held in the district and shall call an election to be held at the same time within the territory to be annexed.

14745. Notice of the election shall be given in the same manner as that prescribed for annual elections of directors.

14746. The ballots cast at the election shall contain the words "For change of boundary" and "Against change of boundary," or their equivalent.

14747. The notice of election shall describe the proposed change of boundaries so that it can readily be traced.

14748. The qualifications for voters are the same as for other district elections and votes by proxy are allowable as in other district elections.

14749. The returns of the votes cast in the territory proposed to be annexed and in the district shall be canvassed separately and the directors shall cause a record of the canvass to be made and entered in its minutes.

14750. If it appears from the canvass that a majority of the votes cast in the district and in the territory proposed to be annexed are in favor of the change in boundary, the directors shall so find and upon the recording of a copy of its

finding certified under seal of the district in the office of the county recorder, the territory is a part of the district.

(Amended by Stats. 1959, Ch. 504.)

Article 8.5. Transfer of Territory From One District to Another District

(Article 8.5 added by Stats. 1955, Ch. 1233)

14751. Any portion of a district which will be benefited by its exclusion from one district and annexation to another district may be withdrawn from the district and annexed to another district pursuant to this article.

(Added by Stats. 1955, Ch. 1233.)

14752. Upon receipt of a petition signed by a majority of the members of the board of directors of each of the districts affected requesting the transfer of territory from one district and its annexation to another district on the ground that such territory will be benefited by the withdrawal from the first district and by its annexation to the second district and specifically describing the boundaries of the territory proposed to be withdrawn, the board of supervisors which formed the district from which the territory is proposed to be withdrawn shall fix a time for hearing the petition.

(Added by Stats. 1955, Ch. 1233.)

14753. The time for hearing shall be not less than 10 days nor more than 30 days after the filing of the petition with the board of supervisors.

(Added by Stats. 1955, Ch. 1233.)

14754. The board of supervisors shall, at least one week prior to the time so fixed for hearing, publish a notice of the hearing pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the districts affected, or if there is no newspaper published in such districts, in a newspaper of general circulation published in the county in which the districts are located, and which the board of supervisors deems most likely to give notice to the landowners in the districts of the proposed withdrawal and annexation.

(Added by Stats. 1955, Ch. 1233; amended by Stats. 1957, Ch. 357.)

14755. The notice shall also be posted in three public places within each of the districts, and also in three public places within the territory proposed to be withdrawn, at least one week prior to the time fixed for the hearing.

(Added by Stats. 1955, Ch. 1233.)

14756. The notice shall also be mailed by registered mail, at least one week prior to the time fixed for hearing, to all of the holders of title or evidence of title to lands lying within the territory proposed to be withdrawn as shown on the last equalized assessment roll of the county.

(Added by Stats. 1955, Ch. 1233.)

14757. Any person interested may appear at the hearing and object to the proposed withdrawal and annexation.

(Added by Stats. 1955, Ch. 1233.)

14758. The board of supervisors shall not modify the boundaries of the territory proposed to be withdrawn as set forth in the petition in such a manner as to include therein any land that would be benefited by remaining in the district from which the territory is proposed to be withdrawn, nor shall the board exclude therefrom any land that would be benefited by withdrawal from such district.

(Added by Stats. 1955, Ch. 1233.)

14758.5. At the time specified for the hearing, the board of supervisors shall hear the petition, and shall receive recommendations from the board of directors of the district from which the territory is proposed to be withdrawn regarding the payment of any outstanding indebtedness of such district and in equitable division between the portion proposed to be withdrawn and the remaining territory, of the real and personal property of such district, including any cash on hand and any uncollected taxes for the current fiscal year. The board of directors of such district shall also report to the board of supervisors on the location of all property owned by such district, the type and value of the personal property to be divided, and the fire protection needs of the districts affected. The board may adjourn the hearing from time to time.

(Added by Stats. 1955, Ch. 1233.)

14759. Upon the final hearing of the petition, the board of supervisors shall either deny or grant the petition as originally presented, or in a modified form. If the board of supervisors grants the petition, it shall make an order describing the exterior boundaries of the territory proposed to be withdrawn and annexed to the other district and make the order of annexation. The order shall also specify the arrangement of the indebtedness of the district from which the territory is withdrawn and make an equitable division of the property of such district.

(Added by Stats. 1955, Ch. 1233.)

Article 8.6. Change of Name

(Article 8.6 added by Stats. 1955, Ch. 1086)

14759.1. A district may change its name, by action of the board of supervisors of the county in which the land or the greater portion of it lies, as provided by this article.

(Added by Stats. 1955, Ch. 1086.)

14759.2. Whenever, after the organization of a district pursuant to the provisions of this chapter, in the judgment of the board of directors it is for the best interest of a district that its name be changed to a stated name, the board of directors may pass a resolution reciting that fact.

(Added by Stats. 1955, Ch. 1086.)

14759.3. A copy of the resolution shall be forwarded to the board of supervisors of the county in which the land or

the greater portion of it lies with the request that the name of the district be changed to the stated name.

(Added by Stats. 1955, Ch. 1086.)

14759.4. The board of supervisors shall designate a day on which it will consider the request, which day shall not be less than 10 days nor more than 40 days after the receipt of the petition, and the board of supervisors may either grant or deny the request.

(Added by Stats. 1955, Ch. 1086.)

14759.5. The clerk of the board of supervisors shall give notice by sending by registered mail to each of the directors of the district a notice of the time for the hearing of the request. Notices shall be mailed at least 10 days before the day set for the hearing.

The clerk shall also cause the notice of the time of the hearing of the resolution to be published pursuant to Section 6061 of the Government Code not less than 10 days before the hearing in a newspaper of general circulation within the district and printed and published within the county in which the land of the district or the greater portion of it lies.

(Added by Stats. 1955, Ch. 1086; amended by Stats. 1957, Ch. 357.)

14759.6. If the board of supervisors denies the request, the clerk of the board of supervisors shall notify the board of directors of the denial.

(Added by Stats. 1955, Ch. 1086.)

14759.7. If the board of supervisors grants the request, the board of supervisors shall enter an order changing the name of the district to the stated name. The clerk shall, within 10 days after adoption of the order, file a certified copy of the order with the board of directors, the county assessor, and the State Board of Equalization. The clerk shall also cause to be recorded, in the office of the county recorder of the county in which the land of the district or the greater portion of the land lies, a certified copy of the order.

(Added by Stats. 1955, Ch. 1086.)

14759.8. From and after the filing of the certified copy with the State Board of Equalization the new name shall be the official name of the district.

(Added by Stats. 1955, Ch. 1086.)

Article 9. Dissolution

14760. Pursuant to this article, a district may be dissolved by the board of supervisors which formed it.

14761. Twenty-five per cent of the owners of land within the district may file a petition for dissolution with the board of supervisors, requesting the dissolution of the district.

14762. The board of supervisors shall by resolution call an election which shall be called, noticed and conducted in all respects in a manner similar to that provided for with reference to the formation of a district.

14763. If it appears that a majority of the owners of land voting at the election have voted in favor of dissolution, the directors shall cause such facts to be entered upon their minutes and shall forward copies of the entry to the boards of supervisors of the counties in which the district is situated.

14764. The directors shall also record a copy of the entry with the county recorders of those counties.

14765. On and after the filing and recording, the district is dissolved.

14766. If at the time of dissolution there are any outstanding or bonded indebtednesses, taxes for their payment shall be levied and collected the same as if the district had not been dissolved and disincorporated.

Article 10. Withdrawal to Form New District
(Article 10 added by Stats. 1953, Ch. 1116)

14775. Any portion of a district which will be benefited by withdrawal from the district may be withdrawn pursuant to this article for the purpose of forming a new fire protection district.

(Added by Stats. 1953, Ch. 1116.)

14776. Twenty-five percent or more of the holders of title or evidence of title to lands within the entire district may file a petition with the board of supervisors requesting that certain territory of the district be withdrawn from the district on the ground that said territory will be benefited by withdrawal from the district. The petition shall designate specifically the boundaries of the territory proposed to be withdrawn, and shall be verified by the affidavit of one of the petitioners. The petition shall be accompanied by a surety company bond in the sum of not less than five hundred dollars (\$500) to be approved by the board of supervisors and filed with the county clerk as security for the payment by the petitioners of the reasonable costs of the election on withdrawal, in the event that at the election less than a majority of the votes cast are in favor of withdrawal.

(Added by Stats. 1953, Ch. 1116.)

14777. The board of supervisors shall fix a time for hearing the petition. The time for hearing shall not be less than 10 nor more than 30 days after the filing of the petition.

(Added by Stats. 1953, Ch. 1116.)

14778. The board of supervisors shall, at least one week prior to the time so fixed for hearing, publish a notice of the hearing pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the district or, if there is no newspaper published in the district, in a newspaper of general circulation published in the county in which the district is located, and which the board of supervisors deems most likely to give notice of the proposed withdrawal to the landowners in the district.

(Added by Stats. 1953, Ch. 1116; amended by Stats. 1957, Ch. 357.)

14779. The notice shall also be posted in three of the most public places within the district, one of which places shall be within the territory proposed to be withdrawn, at least one week prior to the time fixed for hearing.

(Added by Stats. 1953, Ch. 1116.)

14780. Any person interested may appear at the hearing and object to the withdrawal.

(Added by Stats. 1953, Ch. 1116.)

14781. The board of supervisors shall not modify the boundaries of the territory proposed to be withdrawn as set forth in the petition in such a manner as to include therein any land that would be benefited by remaining in the district, nor shall the board exclude therefrom any land that would be benefited by withdrawal from the district.

(Added by Stats. 1953, Ch. 1116.)

14782. At the time specified for the hearing, the board of supervisors shall hear the petition, and shall receive recommendations from the board of directors of the district concerning the payment of any indebtedness of the district and an equitable division of the real and personal property of the district, including cash on hand and any uncollected taxes for the current fiscal year, between the portion proposed to be withdrawn and the remaining territory of the district. In determining such equitable division, the board of supervisors shall take into consideration the assessed value of the real property in the territory sought to be withdrawn and that in the remaining territory, the fire protection needs of each, the location of all real property owned by the district and the type and value of personal property to be divided. The board may adjourn the hearing from time to time.

(Added by Stats. 1953, Ch. 1116.)

14783. Upon the final hearing of the petition, the board of supervisors, if it approves the petition as originally presented or in a modified form, shall make an order describing the exterior boundaries of the territory proposed to be withdrawn, dividing the territory into three or five divisions as nearly equal in size as practicable, specifying the arrangement for payment of any indebtedness of the district as well as an equitable division of the property of the district, and ordering that an election be held for the purpose of determining whether or not the territory shall be withdrawn from the district and a separate county fire protection district of the type provided in this chapter formed in the territory so withdrawn.

(Added by Stats. 1953, Ch. 1116.)

14784. The order shall fix the day of election, which shall be within 60 days from the date of the order and shall provide that notice of said election be given as provided in Sections 14785 and 14786 of this code.

(Added by Stats. 1953, Ch. 1116.)

14785. The notice of election shall contain:

(a) The election precincts, if any, established for the election and the time and place or places of holding the election.

(b) The names of the officers of the election appointed to conduct the election.

(c) The hours of the day during which the polls will be open.

(d) The description of the boundaries of the territory proposed to be withdrawn from the district and to be formed into a separate county fire protection district.

(e) The division of the territory proposed to be withdrawn into three or five divisions as nearly equal in size as practicable.

(f) The names of persons to be voted for to fill the offices of director of the proposed new county fire protection district.

(Added by Stats. 1953, Ch. 1116.)

14786. The notice shall be published pursuant to Section 6063 of the Government Code prior to the date of the election in a newspaper of general circulation published in the district or, if there is no newspaper published in the district, in a newspaper of general circulation published in the county in which the district is located, and which the board of supervisors deems most likely to give notice of the election to the landowners in the district.

(Added by Stats. 1953, Ch. 1116; amended by Stats. 1957, Ch. 357.)

14787. Ballots used shall state in substance the following proposition:

“Shall the territory proposed to be withdrawn from the _____ County Fire Protection District be withdrawn?”

and opposite the proposition as so stated shall be printed the words “yes” and “no” together with voting squares. The ballots used by the owners of land lying within the territory proposed to be withdrawn from the district and formed into a separate county fire protection district, shall also state in substance, as a second proposition:

“Shall the territory proposed to be withdrawn from the _____ County Fire Protection District be formed to constitute the _____ County Fire Protection District?”

and opposite the second proposition as so stated shall be printed the words “yes” and “no” together with voting squares, and beneath such second proposition shall be set forth the names of persons to be voted to fill the offices of director of the proposed new district.

(Added by Stats. 1953, Ch. 1116.)

14788. The election shall be conducted as nearly as practicable in accordance with the general laws of the State.

(Added by Stats. 1953, Ch. 1116.)

14789. Holders of title or evidence of title to lands within the district, and no others, are qualified and entitled to vote in said election.

(Added by Stats. 1953, Ch. 1116.)

14790. The board of supervisors shall on the first Monday succeeding the election, or at its next succeeding regular or special session, canvass the votes, and if it appears that a majority of all of the votes cast in the district are in favor of the withdrawal, and that a majority of the votes cast by landowners in the territory to be withdrawn are in favor of the formation of a separate county fire protection district in said territory, the board of supervisors shall:

- (1) Order the withdrawal of such territory,
- (2) Define the new boundaries of the existing district,
- (3) Divide the existing district into three or five divisions as nearly equal in size as practicable,
- (4) Make any necessary appointments to fill vacancies created in the board of directors of the existing district by reason of any member or members, as a result of the withdrawal, no longer being resident in the district or the division he or they formerly represented,
- (5) Declare the territory withdrawn to be organized as a county fire protection district and define the boundaries thereof,
- (6) Divide the new district into three or five divisions as nearly equal in size as practicable and in accordance with the provisions of the notice of election,
- (7) Declare the persons receiving respectively the highest number of votes for directors to be elected directors of the newly organized district, and
- (8) Order the real and personal property of the existing district to be divided between the newly formed district and the remaining portion of the existing district in accordance with the division theretofore determined by the board of supervisors.

(Added by Stats. 1953, Ch. 1116.)

14791. All expenses incurred by the board of supervisors in connection with the hearings and elections provided for in this chapter shall be a charge against the district, including the territory to be withdrawn should the election result in such withdrawal.

(Added by Stats. 1953, Ch. 1116.)

CHAPTER 4. DISSOLUTION OR EXCLUSION WHEN AREA IS INCORPORATED

Article 1. Dissolution

14800. A district comprising territory which is wholly within, or identical with the corporate limits of a city, which has been incorporated after the district was organized and established, may be dissolved.

14801. Inhabitants of the district, whose names appear upon the last preceding assessment roll of the county or city within which the district is located, owning or representing more than one-half in value of the assessed real property of the district, or owning or representing more than one-half in

value of the assessed real property in the district owned by its residents, may file a verified petition with the board of supervisors requesting the dissolution of the district.

14802. The board of supervisors may, by a resolution adopted and entered in its minutes, discontinue the district, and declare it to be disincorporated.

14803. Upon such action being taken by the board of supervisors, the board of fire commissioners of the district, shall turn over to any fire department organized by the governing body of the city, or to the governing body itself, all the property of the district.

14804. The city shall pay all the debts of the district and thereupon the district is discontinued and disincorporated.

Article 2. Change of Boundaries

14810. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14542.)

14811. Persons Entitled to File Petition. Property owners of the incorporated portion of the district, whose names appear upon the last preceding assessment roll of the county or city within which the incorporated portion of the district is located, owning or representing more than one-half in value of the assessed real property in the incorporated portion of the district, or owning or representing more than one-half in value of the assessed real property within the incorporated portion of the district owned by its residents, may file a verified petition with the board of supervisors, requesting that the area within the city may be excluded from the district.

(Amended by Stats. 1951, Ch. 1283.)

14812. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14542.)

14813. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion may be withdrawn from the district. Such withdrawal shall be effective upon the filing with the State Board of Equalization, the governing body of the district, the county clerk or registrar of voters, and the county assessor, of copies of a resolution of the legislative body of the city, describing the included portion, and declaring such portion withdrawn.

(Added by Stats. 1951, Ch. 1283; amended by Stats. 1953, Ch. 1192, and by Stats. 1955, Ch. 115.)

14814. Upon the withdrawal of any territory of a district, all property acquired for the district and all unencumbered funds on the date of withdrawal, including all taxes levied and collected by the district in any year in which taxes are levied and collected by the district after the date of withdrawal on property withdrawn from the district, shall be divided between the city and the remaining district in proportion to the assessed value of the real property of the territory so withdrawn and the portion remaining. For the pur-

pose of this article, the unencumbered funds are the sum of money, uncollected taxes, and other uncollected accounts belonging to or due such district, in excess of an amount sufficient to pay all claims and accounts against the district.

(Added by Stats. 1951, Ch. 1283; amended by Stats. 1953, Ch. 1092.)

Article 3. Recordation

14815. A certified copy of any resolution of a board of supervisors, discontinuing a district, excluding a portion of its territory, or changing its boundaries, after being adopted, and signed by the chairman and the clerk of the board and certified to by the clerk of the board under its seal, shall, within 10 days after adoption, be recorded by the clerk of the board in the office of the county recorder of the county in which the fire district is located.

(Amended by Stats. 1959, Ch. 504.)

14816. The recorder shall record the resolution, but shall not make any charge or collect any fees for filing or recording it.

CHAPTER 5. ANNEXATION TO FIRE DISTRICTS

(Chapter 5 added by Stats. 1957, Ch. 1339)

Article 1. Annexation to Districts Serving Cities

(Article 1 added by Stats. 1957, Ch. 1339)

14820. Territory annexed to a city, or included within a city by the incorporation of the city after January 1, 1955, if such city is included within and served by a district organized pursuant to this part may be annexed to the district serving such city by the adoption of a resolution by the legislative body of the city declaring such territory annexed to the district. Territory within a fire protection district may not be annexed pursuant to this section. The resolution annexing territory to a fire protection district pursuant to this section shall be effective upon the filing of copies thereof with the State Board of Equalization, the governing body of the district, the county clerk or registrar of voters, and the county assessor. A city included in and served by more than one fire protection district shall designate in the resolution of annexation the district to which the territory is annexed.

(Added by Stats. 1957, Ch. 1339; amended by Stats. 1959, Ch. 1039.)

NOTE: Stats. 1957, Ch. 1339, also contained the following provisions:

SEC. 2. This act shall be operative with respect to city annexations completed by filing of ordinances with the Secretary of State on and after October 1, 1957.

PART 4. FIRE COMPANIES IN UNINCORPORATED TOWNS

CHAPTER 1. ORGANIZATION

14825. Fire companies in unincorporated towns may be organized by recording with the county recorder a certificate signed by the foreman or presiding officer and by the secretary.
(Amended by Stats. 1959, Ch. 504.)

14826. The certificate shall set forth the following matters:

- (a) The date of organization.
- (b) The name of the company.
- (c) The names of the officers.
- (d) The roll of active and honorary members.

14827. The certificate shall be renewed and re-recorded every six months.

(Amended by Stats. 1959, Ch. 504.)

14828. There shall not be in any one unincorporated town more than one company for each 1,000 inhabitants, but one company may be allowed in any town where the population is less than 1,000.

14829. An engine company may consist of not more than 65 certificate members; a hook-and-ladder company of not more than 65 certificate members; and a hose company of not more than 25 certificate members.

14830. Every fire company shall choose or elect a foreman, who is the presiding officer, and a secretary and treasurer.

CHAPTER 2. POWERS AND DUTIES

14835. Every fire company may establish and adopt by-laws and regulations, and impose penalties, not exceeding five dollars (\$5) or expulsion for each offense.

14836. Every fire company regularly organized may adopt a seal, having upon it the arms of the State, and the name of the company to which it belongs.

14837. The seal shall be under the control of and for the use of the secretary, and be by him affixed to exempt certificates, certificates of active membership, and such other documents as the by-laws provide.

14838. The secretary of every company having a seal shall take the constitutional oath of office and give such bond as the by-laws provide for the faithful performance of his duties.

14839. The secretary shall keep a record of all certificates of exemption or active membership, their date, and to whom issued; and when the company has no seal, the clerk shall keep similar entries of certificates issued to obtain county clerk's certificates.

14840. Every certificate is prima facie evidence of the facts stated in it.

14841. The chief of every fire company shall inquire into the cause and keep a record of every fire occurring in the town.

14842. He shall aid in the enforcement of all fire ordinances, examine buildings in process of erection, report violations of ordinances relating to prevention or extinguishment of fires, and when directed by the proper authorities institute prosecutions therefor.

14843. He shall perform such other duties as may be by proper authority imposed upon him.

14844. Every chief shall attend all fires with his badge of office conspicuously displayed.

14845. He shall prevent injury to, take charge of, and preserve all property rescued from fires, and return the property to its owner on the payment of the expenses incurred in saving and keeping it.

CHAPTER 3. EXEMPTIONS

14855. The officers and members of unpaid fire companies regularly organized, and exempt firemen, are entitled to the following privileges and exemptions:

(a) Exemption from payment of poll tax, road tax, and head tax of every description.

(b) Exemption from jury duty.

(c) Exemption from military duty, except in case of war, invasion, or insurrection.

14856. Every fireman who has served five years in an organized fire company in this State is an "exempt fireman," and shall receive from the chief of the company to which he belonged a certificate to that effect.

14857. Every active fireman shall have a certificate of that fact signed by the chief of the company to which he belongs.

14858. The certificates shall be countersigned by the secretary, and over the seal of the company, if one is provided.

14859. Certificates of exemption may be issued by the clerk of the county over his official seal and signature and shall entitle the holder to exemption as an exempt fireman.

14860. Every officer of a fire company who wilfully issues or causes to be issued any certificate of exemption to a person not entitled to it, is guilty of a misdemeanor.

PART 5. ABATEMENT OF HAZARDOUS WEEDS

CHAPTER 1. GENERAL PROVISIONS

14875. "Weeds," as used in this part, means all weeds growing upon streets, sidewalks, or private property in any county, including any fire protection district and includes any of the following:

(a) Weeds which bear seeds of a downy or wingy nature.

(b) Sagebrush, chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property.

(c) Weeds which are otherwise noxious or dangerous.

(d) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.

(e) Dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard in an urbanized portion of an unincorporated area which has been zoned for single and multiple residence purposes.

(Amended by Stats. 1961, Ch. 746.)

14876. Weeds may be declared a public nuisance and may be abated as provided in this part.

CHAPTER 2. RESOLUTION

14880. Whenever weeds are growing upon any street, sidewalk, or on private property in any county, the board of supervisors, by resolution, may declare the weeds a public nuisance.

14881. The resolution shall refer, by the name under which it is commonly known, to the street, highway, or road upon which the nuisance exists, upon which the sidewalks are located, or upon which the private property affected fronts or abuts or nearest to which the private property is located.

14882. If the private property fronts or abuts upon more than one street, highway, or road, it is necessary to refer to only one of the streets, highways, or roads.

14883. The resolution shall describe the property upon which, or in front of which the nuisance exists by describing the property by reference to the tract, block, lot, code area and parcel number as used in the records of the county assessor or in accordance with the map used in describing property for taxation purposes. No other description is necessary.

(Amended by Stats. 1959, Ch. 1534.)

14884. Any number of streets, highways, roads, or parcels of private property may be included in one resolution.

CHAPTER 3. NOTICE TO DESTROY WEEDS

Article 1. Persons Authorized to Give Notice

14890. The board of supervisors shall designate the person to give notice to destroy weeds. This may be any one of the following:

- (a) The county agricultural commissioner.
- (b) The county forester.
- (c) The county board of forestry.
- (d) Any other officer, board, or commission.

Article 2. Contents of Notice

14891. The notices shall be headed "Notice to destroy weeds," in words not less than one inch in height.

14892. The notice shall be substantially in the following form:

NOTICE TO DESTROY WEEDS

Notice is hereby given that on the ----- day of -----, 19--, the board of supervisors of-----County passed a resolution declaring that noxious or dangerous weeds were growing upon or in front of the property on, or nearest to -----Street (or Road), in said county, and more particularly described in said resolution and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, otherwise they will be removed and the nuisance will be abated by the county authorities, in which case the cost of such removal shall be assessed upon the lots and lands from which or in front of which such weeds are removed, and such cost will constitute a lien upon such lots or lands until paid. Reference is hereby made to said resolution for further particulars.

All property owners having any objections to the proposed removal of such weeds are hereby notified to attend a meeting of the board of supervisors of said county, to be held (give date), when their objections will be heard and given due consideration.

Dated this ----- day of -----, 19--.

-----,
(Title of officer, board or commission causing notices to be posted.)

Article 3. Posting and Publishing Notice

(Heading amended by Stats. 1959, Ch. 60)

14893. The notices shall be conspicuously posted in front of the property on which or in front of which the nuisance exists, or if the property has no frontage upon any street, highway or road then upon the portion of the property nearest to a street, highway or road, or most likely to give actual notice to the owner.

14894. The notices shall be posted not more than 100 feet in distance apart, but at least one notice shall be posted on each lot or parcel.

14895. Notice of the hearing prescribed in Section 14892 shall be published once in a newspaper of general circulation printed and published in the county, not less than 10 days prior to the date of the hearing.

(Repealed by Stats. 1957, Ch. 423; added by Stats. 1959, Ch. 60.)

14896. (Repealed by Stats. 1957, Ch. 423.)

14897. (Repealed by Stats. 1959, Ch. 60.)

Article 4. Hearing on Notice

14898. At the time stated in the notices, the board of supervisors shall hear and consider all objections or protests, if any, to the proposed removal of weeds, and may continue the hearing from time to time.

14899. Upon the conclusion of the hearing the board shall allow or overrule any or all objections, whereupon the board shall acquire jurisdiction to proceed and perform the work of removal, and the decision of the board on the matter is final, except as provided in Sections 14920 and 14921 of this code.

(Amended by Stats. 1941, Ch. 69.)

Article 5. Proceedings After Hearing on Notice

14900. After final action is taken by the board on the disposition of any protests or objections or in case no protests or objections are received, the board shall order the officer, board or commission causing the notices to be posted to abate the nuisance, or to cause it to be abated by having the weeds removed.

14900.5. If the nuisance is seasonal and recurrent, the board of supervisors shall so declare. Thereafter, such seasonal and recurring weeds shall be abated every year without the necessity of any further hearing.

(Added by Stats. 1939, Ch. 1018.)

14900.6. In the case of weeds which have previously been declared to constitute a seasonal and recurring nuisance, it is sufficient to mail a post-card notice to the owners of the property as they and their addresses appear upon the current assessment roll.

The notice shall refer to and describe the property and shall state that noxious or dangerous weeds of a seasonal and recurrent nature are growing on or in front of the property, and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, and that otherwise they will be removed and the nuisance will be abated by the county authorities, in which case the cost of such removal shall be assessed upon the lot and lands from which or in front of which such weeds are removed and that such cost will constitute a lien upon such lots or lands until paid.

(Added by Stats. 1939, Ch. 1018.)

14901. The officer, board or commission, and his or its assistants, deputies, employees, or contracting agents, or other representatives may enter upon private property for the purpose of removing the weeds.

14902. Any property owner may have weeds removed at his own expense if it is done prior to the arrival of the officer, board or commission, or his or its representatives to do it.

CHAPTER 4. EXPENSE OF ABATEMENT

Article 1. Determination and Notice

14905. The officer, board or commission abating the nuisance shall keep an account of the cost of abatement in front of or on each separate parcel of land and shall render an itemized report in writing to the board of supervisors showing the cost of removing the weeds on or in front of each separate lot or parcel of land, or both.

14906. Before the report is submitted to the board of supervisors, a copy of it shall be posted for at least three days on or near the chamber door of the board with a notice of the time when the report will be submitted to the board for confirmation.

(Amended by Stats. 1957, Ch. 423, and by Stats. 1959, Ch. 60.)

14907. (Repealed by Stats. 1957, Ch. 423.)

Article 2. Hearing on Report

14910. At the time fixed for receiving and considering the report, the board shall hear it and any objections of any of the property owners liable to be assessed for the work of abatement.

14911. Thereupon the board may make such modifications in the report as it deems necessary, after which, by order or resolution, the report shall be confirmed.

14912. The amounts of the cost for abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed shall constitute special assessments against the respective parcels of land, and are a lien on the property for the amount of the respective assessments.

Article 3. Collection of Expenses

14915. A copy of the report, as confirmed, shall be turned over to the auditor of the county, on or before the tenth day of August following such confirmation, and the auditor shall enter the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll.

(Amended by Stats. 1939, Ch. 354.)

14916. The tax collector shall include the amount of the assessment on bills for taxes levied against the respective lots and parcels of land.

14917. Thereafter the amounts of the assessments shall be collected at the same time and in the same manner as county taxes are collected, and are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes.

14918. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such special assessment taxes.

14919. The county tax collector may, in his discretion, issue separate bills for such special assessment taxes and separate receipts for collection on account of such assessments.

14920. All or any portion of any such special assessment, penalty or costs heretofore or hereafter entered, shall on order of the board of supervisors be canceled by the auditor if uncollected, or, except in the case provided for in subdivision (e) hereof, refunded by the county treasurer if collected, if it or they were entered, charged or paid:

(a) More than once;

(b) Through clerical error;

(c) Through the error or mistake of the board of supervisors or of the officer, board or commission designated by them to give notice or to destroy the weeds, in respect to any material fact, including the case where the cost report rendered and confirmed as hereinbefore provided shows the county abated the weeds but such is not the actual fact;

(d) Illegally;

(e) On property acquired after the lien date by the State or by any county, city, school district or other political subdivision and because of this public ownership not subject to sale for delinquent taxes.

(Added by Stats. 1941, Ch. 69.)

14921. No order for a refund under the foregoing section shall be made except on a claim:

(a) Verified by the person who paid the special assessment, his guardian, executor, or administrator;

(b) Filed within three years after making of the payment sought to be refunded.

The provisions of this section do not apply to cancellations.

(Added by Stats. 1941, Ch. 69.)

14922. The lien, whether bonds issued to represent the assessment or otherwise, shall be subordinate to all fixed special assessment liens previously imposed upon the same property, but it shall have priority over all fixed special assessment liens which may thereafter be created against the property. The lien of a reassessment and of a refunding assessment shall be the same as the original assessment to which it relates. A supplemental assessment is a new assessment.

(Added by Stats. 1963, Ch. 1465.)

DIVISION 13. HOUSING**PART 1. (Repealed by Stats. 1961, Ch. 1844)**

NOTE 1: Part 1 (consisting of Sections 15001 to 17902) was repealed by Stats. 1961, Ch. 1844. The Statutory Record may be consulted to determine the history of any particular section of Part 1 prior to the enactment of Stats. 1961, Ch. 1844.

NOTE 2: Stats. 1961, Ch. 1844, which repealed Part 1, also contained the following provisions:

SEC. 13. Rules and regulations promulgated pursuant to the provisions of Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety Code as added by Section 8 of this act relating to the erection or construction of buildings or structures shall not apply to existing buildings or structures or to buildings or structures as to which construction is commenced or approved prior to the effective date of the rules or regulations, except by act of the Legislature, but regulations relating to use, maintenance and change of occupancy shall apply to all buildings and structures approved for construction or constructed before or after the effective date of such rules or regulations.

The provisions of Part 1 (commencing with Section 15000) of Division 13 of the Health and Safety Code, as they exist on the effective date of this act, shall continue to govern the erection and construction of buildings and structures which have been constructed or the construction of which has been commenced or been approved prior to the effective date of this act, notwithstanding the repeal of that part.

SEC. 14. The provisions of Part 1 (commencing with Section 15000) of Division 13 of the Health and Safety Code, with the exception of Chapter 3 (commencing with Section 15250) and Chapter 28 (commencing with Section 17900) of such Part 1, are continued in effect as rules and regulations of the Department of Industrial Relations, Division of Housing, and shall remain in effect as such rules and regulations until amended or repealed pursuant to the State Housing Law.

**PART 1.5. REGULATION OF BUILDINGS USED
FOR HUMAN HABITATION**

(Part 1.5 added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1)

CHAPTER 1. GENERAL PROVISIONS

(Chapter 1 added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1)

17910. This part is known as the "State Housing Law."

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17911. The provisions of this part do not apply to any building regulated by Part 2 (commencing with Section 18000) or Part 2.1 (commencing with Section 18500) of this division.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

CHAPTER 2. RULES AND REGULATIONS

(Chapter 2 added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1)

17920. As used in this part "department" means the Department of Industrial Relations acting through the Division of Housing.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17920.5. As used in this part "local appeals board" means the board or agency of a city or county which is authorized by the governing body of the city or county to hear appeals regarding the building requirements of the city or county. In any area in which there is no such board or agency, "local appeals board" means the governing body of the city or county having jurisdiction over such area.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17921. The department shall adopt, amend, repeal, and, except as hereinafter provided, enforce rules and regulations for the protection of the public health, safety, and general welfare of the occupant and the public governing the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court, area, sanitation, ventilation and maintenance of all hotels, apartment houses, and dwellings. Such rules and regulations may include a schedule of fees to pay the cost of enforcement under Sections 17952 and 17965.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17921.1. Notwithstanding the provisions of Section 17921, and except as provided for herein, the department shall not adopt or enforce any rule or regulation relating to the installation, maintenance, or use of a hotplate in a room of any building occupied on or prior to the effective date of this act, if the following conditions exist:

(a) The hotplate is used solely for the cooking or preparation of meals for consumption by not more than two occupants of the room.

(b) The hotplate contains not more than two burners or heating elements, and has been approved by an approved agency.

(c) The installation, maintenance, or use of a hotplate will not be, or is not, hazardous to life or property.

(d) The hotplate rests on its own legs, is set not closer than six inches from any wall or projection thereof, and rests on an impervious surface.

(e) The walls behind and adjacent to the hotplate are lined or backflashed with incombustible material equivalent to one-fourth-inch asbestos millboard; the backflashing extends from

12 inches below to 24 inches above the base of the hotplate; and there is 36 inches of clear and unobstructed space above the surface of the hotplate.

(f) The area of such room is not less than 120 square feet in superficial floor area.

(g) The room contains an approved sink with hot and cold running water.

(h) All plumbing in the room complies with the provisions of this part.

(i) An approved storage cabinet is installed in the room wherein all food, dishes, and cooking and eating utensils are stored when not in use.

(j) The bed, and any drapes, curtains, towels, or other readily combustible materials, in the room are located so that they do not come in contact with the hotplate.

(k) The room complies with the provisions of this part pertaining to window area, ventilation, ceiling height, and cubic airspace.

(l) An approved method of heating is installed in or for the room and the hotplate is not used for the purpose of heating the room or installed within an unventilated area.

(m) Toilet and bath facilities are installed and maintained in the building as required by this part.

In the event of any structural addition or any alteration or reconstruction involving the floor area of any room, as provided for in Section 17921.1, the provisions of Section 17921 shall apply.

Any city or county may enact an ordinance to prohibit the installation, maintenance or use of a hotplate in any room.

"Approved" when used in connection with any material, type of construction, or appliance in this section means meeting the approval of the enforcement agency, as the result of investigation and tests conducted by the agency, or by reason of accepted principles or tests by national authorities, technical, health, or scientific organizations or agencies.

(Added by Stats. 1963, Ch. 696.)

17922. The rules and regulations adopted, amended, or repealed from time to time pursuant to this chapter shall include provisions imposing requirements equal to or more restrictive than those contained in the Uniform Housing Code, 1961 edition, the Uniform Building Code, 1961 edition, as adopted by the International Conference of Building Officials, the Uniform Plumbing Code, 1961 edition, as adopted by the Western Plumbing Officials Association, the minimum painting standards for home construction loans adopted by the Federal Housing Administration and the Department of Veterans Affairs, and the National Electrical Code, 1962 edition, as adopted by the National Fire Protection Association. The department shall adopt such other rules and regulations as it deems necessary to carry out the provisions of this part. In promulgating rules and regulations the department shall con-

sider any amendments to the uniform codes referred to in this section. In promulgating rules and regulations the department shall also consider, among other things, geographic, topographic and climatic conditions.

Local use zone requirements, local fire zones, building setback, side and rear yard requirements, and property line requirements are hereby specifically and entirely reserved to the local jurisdictions notwithstanding any requirements found or set forth in this part.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1. Amended by Stats. 1963, Ch. 441.)

17923. (a) The provisions of Section 17922 are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part and the rules and regulations promulgated pursuant thereto, providing such alternate has been approved. The department may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this part and the rules and regulations promulgated pursuant thereto in quality, strength, effectiveness, fire resistance, durability, safety, and for the protection of life and health.

(b) Whenever there is evidence that any material, appliance, installation, device, arrangement, or method of construction does not conform to the requirements of this part and the rules and regulations promulgated pursuant thereto, or in order to substantiate claims for alternates, the department may require tests as proof of compliance to be made at the expense of the owner or his agent.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17924. Rules and regulations shall be promulgated pursuant to the Administrative Procedure Act (Chapter 4, commencing with Section 11370, of Part 1 of Division 3 of Title 2 of the Government Code), and subject to the provisions of Sections 18900 to 18911, inclusive, of the Health and Safety Code.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17925. Any person, firm, corporation, or governmental agency that opposes the application of any rule or regulation adopted by the department within a particular local area may request a hearing before the local appeals board regarding the matter. If the local appeals board determines after the hearing that because of local conditions or factors it is not reasonable for the rule or regulation to be applied in the local area, the

rule or regulation shall have no application within such local area. A copy of the determination of the local appeals board, together with a report of the reasons upon which the determination is based, shall be filed with the department.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

CHAPTER 3. STATE HOUSING APPEALS BOARD

(Chapter 3 added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1)

17930. There is in the department the State Housing Appeals Board consisting of the Chief of the Division of Housing, who shall be the chairman, and 10 members to be appointed by and serve at the pleasure of the Governor.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17931. Of the 10 members to be appointed by the Governor, one shall be a person representing local fire prevention agencies; one person shall represent local health agencies; one person shall be a local building official; one person shall represent organized labor; one shall be an architect; one shall be a consulting engineer; one shall represent agriculture; one shall be a contractor active in housing construction; one shall represent privately operated apartment housing owner-management; one shall represent privately operated hotel-motel owner-management.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17932. The appeals board shall elect a vice chairman annually from among its members.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17933. The members of the appeals board shall serve without compensation. Members who are not state officers shall be paid actual necessary travel expenses.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17935. The appeals board may promulgate rules pertaining to hearing appeals and other matters falling within its jurisdiction. All such rules shall be made in accordance with the provisions of the Administrative Procedure Act (Chapter 4, commencing with Section 11370, of Part 1 of Division 3 of Title 2 of the Government Code).

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17937. The appeals board shall hear appeals brought by any person as to the application of any rule or regulation of the department, promulgated pursuant to this part, to such person under any facts and circumstances presented to the appeals

board by such person alleging that the application or enforcement of any such rule or regulation by the department under such facts and circumstances is an erroneous or unlawful application or enforcement of such rule or regulation by the department. Any such appeal shall be submitted through the designated local agency.

The appeals board shall not, however, hear any appeals regarding local regulations which are equal to or greater than those prescribed by this part.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17938. A decision of the appeals board is final, except for such action as may be taken by a court as permitted or required by law.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17939. The appeals board shall determine its quorum, and all of its meetings shall be open and public.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17940. All records of the appeals board shall be open to inspection by the public during regular office hours.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17941. The appeals board shall biennially submit a report of its activities to the Director of Industrial Relations.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

CHAPTER 4. APPLICATION AND SCOPE

(Chapter 4 added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1)

17950. The provisions of this part and the rules and regulations promulgated pursuant thereto which relate to apartment houses, hotels, and dwellings apply in all parts of the State.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17951. (a) The governing body of any city or county may enact ordinances or regulations imposing restrictions equal to or greater than those imposed by this part and rules and regulations promulgated pursuant thereto or prescribing fees for permits, certificates, or other forms or documents required or authorized by this part or rules and regulations promulgated pursuant thereto.

(b) The provisions of this part are not intended to prevent the use of any material, appliance, installation, device, arrange-

ment, or method of construction not specifically prescribed by this part, provided any such alternate has been approved.

The building department of any city or county may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this part in quality, strength, effectiveness, fire resistance, durability, safety and for the protection of safety and health.

The building department of any city or county shall require evidence that any material, appliance, installation, device arrangement, or method of construction conforms to, or that the proposed alternate is at least equivalent to, the requirements of this part, and rules and regulations promulgated pursuant thereto and in order to substantiate claims for alternates, the building department of any city or county may require tests as proof of compliance to be made at the expense of the owner or his agent by an approved testing agency.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17952. In the event of nonenforcement of this part or the rules and regulations promulgated pursuant thereto or of any ordinance or local regulation adopted pursuant to Section 17951, the provisions of this part and the rules and regulations promulgated thereunder shall be enforced by the department in any such city or county after the department has given written notice to the governing body of such city or county of a violation of this part or the rules or regulations promulgated thereunder and the city or county has failed to initiate proceedings to secure correction of the violation within 30 days of the date of such notice. The city or county may request a hearing before the State Housing Appeals Board within said 30 days to show cause for nonenforcement. Enforcement by the department shall not be initiated until the decision of the board, adverse to the city or county, is rendered.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1. Amended by Stats. 1963, Ch. 1999.)

CHAPTER 5. ADMINISTRATION AND ENFORCEMENT

(Chapter 5 added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1)

Article 1. Enforcement Agencies

(Article 1 added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1)

17960. The building department of every city shall enforce within the city all the provisions of this part and rules and

regulations promulgated thereunder pertaining to the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of apartment houses, hotels, or dwellings.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17961. The housing department or, if there is no housing department, the health department, of every city shall enforce within the city all the provisions of this part and rules and regulations promulgated thereunder pertaining to the maintenance, sanitation, ventilation, use, or occupancy of apartment houses, hotels, or dwellings.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17961.5. The chief of any city or any county fire department or fire protection district and their authorized representatives shall enforce in their respective areas all those provisions of this part and those rules and regulations promulgated thereunder pertaining to fire prevention, fire protection, the control of the spread of fire, and safety from fire or panic.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17962. If there is no building department, housing department, or health department in a city, the officer who is charged with the enforcement of ordinances or laws regulating the erection, construction, alteration, maintenance, sanitation, ventilation, or occupancy of buildings, or of the police, fire, or health regulations, in the city, shall enforce within the city all the provisions of this part and rules and regulations promulgated thereunder.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17963. In every county the officer who is charged with the enforcement of ordinances or laws regulating the erection, construction, alteration, maintenance, sanitation, occupancy, or ventilation of buildings, or of the police, fire, or health regulations, in the county, shall enforce, outside the territorial limits of any city, all the provisions of this part and the applicable rules and regulations promulgated thereunder pertaining to apartment houses, hotels, or dwellings.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17964. Where there is no such department or officer mentioned in Section 17960 to 17963, inclusive, any city or county

may designate and charge by charter, ordinance or resolution any department or officer, other than a department or officer mentioned in this chapter, with the enforcement of any or all of the provisions of this part and rules and regulations promulgated thereunder within its territorial limits.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17965. Where there is no local enforcement agency, the department shall enforce all the applicable provisions of this part and rules and regulations promulgated by the department thereunder pertaining to apartment houses, hotels, or dwellings.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17966. Cities or counties may contract with the department for assistance by the department in the enforcement of the applicable provisions of this part and the rules and regulations promulgated thereunder within such cities or counties by the department. Such contracts shall contain provisions for the payment of the costs of such enforcement, or portions thereof, as may be determined by the department.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

Article 2. Inspection

(Article 2 added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1)

17970. Any officer, employee, or agent of an enforcement agency may enter and inspect any building or premises whenever necessary to secure compliance with, or prevent a violation of, any provision of this part and rules and regulations promulgated thereunder which the enforcement agency has the power to enforce.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17971. The owner, or authorized agent of any owner, of any building or premises may enter the building or premises whenever necessary to carry out any instructions, or perform any work required to be done pursuant to this part and rules and regulations promulgated thereunder.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17972. No person authorized by this article to enter buildings shall enter any dwelling between the hours of 6 o'clock p.m. of any day and 8 o'clock a.m. of the succeeding day, with-

out the consent of the owner or of the occupants of the dwelling, nor enter any dwelling in the absence of the occupants without a proper written order executed and issued by a court having jurisdiction to issue the order.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

Article 3. Actions and Proceedings

(Article 3 added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1)

17980. If any building is constructed, altered, converted, or maintained in violation of any provision of, or of any order or notice giving a reasonable time to correct such violation issued by an enforcement agency pursuant to, this part and rules and regulations promulgated thereunder, or if a nuisance exists in any building or upon the lot on which it is situated, the enforcement agency shall after 30 days' notice to abate such nuisance institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17981. An enforcement agency which institutes any action or proceeding pursuant to this article may, by verified complaint setting forth the facts, apply to the superior court for an order granting the relief for which the action or proceeding is brought until the entry of a final judgment or order.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17982. If any notice or order issued by an enforcement agency is not complied with within a reasonable time as specified in such notice or order the enforcement agency may apply to the superior court for an order authorizing it to remove any violation or abate any nuisance specified in the notice or order.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17983. The superior court may make any order for which application is made pursuant to this article.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17984. Neither an enforcement agency, any of its officers, nor any city or county for which an enforcement agency may act, is liable for costs in any action or proceeding that the enforcement agency may commence pursuant to this article.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17985. Any enforcement agency which institutes an action or proceeding pursuant to this article may file a notice of the pendency of the action or proceeding in the county recorder's

office of the county where the property affected by the action or proceeding is situated. The notice may be filed at the time of the commencement of the action or proceeding, or at any time before final judgment or order. It has the same effect as the notice of pendency of action provided for in the Code of Civil Procedure.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17986. The county recorder with whom a notice of pendency of action or proceeding is filed shall record and index it in the name of each person to be specified in a direction subscribed by an officer of the enforcement agency instituting the action or proceeding.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17987. Any notice of pendency of action or proceeding may be vacated upon the order of a judge of the court in which the action or proceeding is pending. A certified copy of the order of vacation may be recorded in the office of the recorder of the county where the notice of pendency of action is recorded.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17988. In any action or proceeding brought pursuant to this article, service of summons is sufficient if served in the manner provided in the Code of Civil Procedure.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

17989. Except under conditions immediately affecting health or safety, every notice or order issued pursuant to this part shall be served five days before the time for doing or refraining from doing the thing to which it pertains.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

CHAPTER 6. VIOLATIONS

(Chapter 6 added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1)

17995. Any person who violates any of the provisions of this part or any rule or regulation promulgated pursuant thereto is guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars (\$500) or by imprisonment not exceeding six months, or by both such fine and imprisonment.

(Added by Stats. 1961, Ch. 1844. See Note 2 following heading of former Part 1.)

PART 2. MOBILEHOMES AND MOBILEHOME PARKS

(Part 2 repealed and added by Stats. 1961, Ch. 2176)

NOTE: Part 2, consisting of Sections 18100 to 18802, was added by Stats. 1939, Ch. 60 as part of codification. Part 2 was repealed and added by Stats. 1941, Ch. 1097, by Stats. 1955, Ch. 91, and by Stats. 1961, Ch. 2176.

The text of Part 2 as added by Stats. 1961, Ch. 2176, with amendments, is set forth below. The usual history notes carried at the end of sections are omitted. The Statutory Record may be consulted to determine the history of any particular section prior to the enactment of Stats. 1961, Ch. 2176.

CHAPTER 1. DEFINITIONS AND SCOPE

18000. The provisions of this part insofar as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments.

18001. "Mobilehome," as used in this part, means a vehicle, other than a motor vehicle, used as semipermanent housing, designed for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle and shall include a trailer coach.

18001.2. (a) A dependent mobilehome or travel trailer is one not equipped with a toilet for sewage disposal.

(b) An independent mobilehome or travel trailer is one equipped with a toilet for sewage disposal.

18002. "Camp car," as used in this part, is a vehicle with or without motive power, which is designed for human habitation and which contains plumbing, heating, or electrical equipment, and is subject to the provisions of this part applicable to a mobilehome.

18003. "Mobilehome park," as used in this part, means any area or tract of land where one or more mobilehome lots are rented or held out for rent, and shall include a trailer park.

18004. "Travel trailer park," as used in this part, means any area or tract of land or a separate designated section within a mobilehome park where lots are rented or held out for rent to one or more owners or users of trailer coaches used for travel or recreational purposes.

18004.1. "Recreational trailer park," as used in this part, means any area or tract of land, within a designated recreational area, where one or more travel trailer, camp car or tent camping lots are rented or held out for rent, and which is occupied for not more than six months in any calendar year.

18004.2. "Temporary trailer park," as used in this part, means any area or tract of land where space is rented or held out for rent to one or more travel trailers or camp cars, and which is established for one operation not to exceed 11 days, and is then removed.

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

18004.3. "Incidental camping area" as used in this part means any area or tract of land where camping is incidental to the primary use of the land for agriculture, timber management, or water or power development purposes, and where one or more lots used for camping are rented or held out for rent; provided that density of usage does not exceed 10 sites for each 5 acres of designated camping area, and that no such lots for camping are located in an area where the population density is more than 300 people per square mile as measured within a one-half mile radius of any camp lot or in an incorporated city.

(Added by Stats. 1963, Ch. 1446.)

18005. "Lot," as used in this part, means any area or tract of land or portion of a mobilehome park, travel trailer park, recreational trailer park, temporary trailer park, or tent camp designated or used for the occupancy of one mobilehome, travel trailer, or camping party, and shall include a site.

18005.5. "Division of Housing" or "division" means the Division of Housing of the Department of Industrial Relations.

18005.7. "Enforcement agency" means the Division of Housing or any city, county, or city and county which has assumed responsibility for the enforcement of this part pursuant to Section 18010.

18006. "Approved" when used in connection with any material, appliance or construction, means meeting the requirements and approval of the Division of Housing of the Department of Industrial Relations of the State of California.

18007. "Building," as used in this part, means any permanent structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

18007.5. "Mobilehome accessory building or structure" means any awning, portable, demountable or permanent cabana, ramada, storage cabinet, carport, fence, windbreak or porch established or located within six feet of a mobilehome.

(Added by Stats. 1963, Ch. 2021.)

18008. "Liquefied petroleum gas" means petroleum hydrocarbons or mixtures thereof, in liquid or gaseous state, having a vapor pressure in excess of 26 psi at a temperature of 100 degrees F. Whenever the symbol "LPG" is used it shall mean liquefied petroleum gas.

18009. In a mobilehome park, "nuisance" includes any of the following:

(a) Any public nuisance known at common law or in equity jurisprudence.

(b) Whatever is dangerous to human life or is detrimental to health.

(c) The overcrowding of any room with occupants.

(d) Insufficient ventilation or illumination of any room.

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

- (e) Inadequate or insanitary sewage or plumbing facilities.
- (f) Whatever renders air, food, or drink unwholesome, or detrimental to the health of human beings.

CHAPTER 2. APPLICATION AND SCOPE

18010. The provisions of this part apply to all parts of the State and supersede any ordinance enacted by any city, county, or city and county applicable to the provisions of this part. The Division of Housing may promulgate rules and regulations to interpret and make specific the provisions of this part and when adopted such rules and regulations shall apply to all parts of the State. Upon written notice to the Division of Housing, any city, county, or city and county may assume the responsibility for the enforcement of this part.

In the event of nonenforcement of this part or the rules and regulations promulgated pursuant thereto, the provisions of this part and the rules and regulations promulgated thereunder shall be enforced by the division in any such city, county, or city and county after the division has given written notice to the governing body of such city, county, or city and county of a violation of this part or the rules or regulations promulgated thereunder and the city, county, or city and county has failed to initiate proceedings to secure correction of the violation within 30 days of the date of such notice.

The provisions of this part shall not prevent local authorities of any city, county, or city and county, within the reasonable exercise of their police power, from prohibiting mobilehomes or mobilehome parks, travel trailers, travel trailer parks, recreational trailer parks, temporary trailer parks, or tent camps within all or certain zones within such city, county, or city and county, or from adopting rules and regulations by ordinance or resolution prescribing standards of lot, yard, or park area, landscaping, walls or enclosures, signs, access, and vehicle parking or from prescribing the prohibition of certain uses for mobilehome parks, travel trailer parks, recreational trailer parks, temporary trailer parks, or tent camps.

18011. The provisions of this part applicable to a mobilehome and mobilehome park shall apply equally to camp cars, travel trailers, travel trailer parks, recreational trailer parks, temporary trailer parks, incidental camping areas, and tent camps except where specifically exempted. The Division of Housing shall specify by rule and regulation reasonable requirements for travel trailers, travel trailer parks, recreational trailer parks, temporary trailer parks, incidental camping areas, and tent camps which shall allow reasonable variations from the requirements of this part for mobilehomes and mobilehome parks in the following respects, if the division determines such variations will not endanger public health, welfare,

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

or safety and such variations do not conflict with a valid local regulation adopted pursuant to this part:

- (a) Size of yards and lots.
- (b) Distance separating trailers.
- (c) Construction and width of driveways.
- (d) Sanitary facilities.
- (e) Electrical installations.
- (f) Water supply.
- (g) Submission of plans and issuance of permits.
- (h) Occupancy of trailer lots.

(Amended by Stats. 1963, Ch. 1446.)

18012. This part does not apply to any supervised public park, public campground, or picnic ground owned, operated, or maintained by any of the following:

- (a) The federal government.
- (b) The State.
- (c) Any agency or political subdivision of the State.

18013. (a) This part does not apply to any hotel which is subject to the provisions of Part 1 of this division. A "motel" as defined in Section 18502 of this code shall not be considered subject to Part 1.

(b) This part does not apply to any apartment house which is over one story in height and which is subject to the provisions of Part 1 of this division.

(c) This part does not apply to any charitable or recreational organization, incorporated under the laws of the State of California as a nonprofit corporation, which owns acreage in fee or leases acreage in a zoned recreation area or which has sites in a state or federal forest, and the use thereof is limited to the members of such organization, and where such organization complies with rules and regulations for recreational trailer parks established by the Division of Housing for such installations to protect the health and safety of the occupants and the general public. Such rules and regulations shall be adopted, amended, repealed and enforced in accordance with the provisions of Chapter 4 (commencing with Section 11370), Part 1, Division 3, Title 2, of the Government Code and shall include a schedule of fees to pay the cost of administration and enforcement of this section.

(d) Any charitable or recreational organization intending to operate under this section shall file a notice of intention with the Division of Housing, on forms provided by the division, submitting pertinent data therewith.

18014. (a) The provisions of this part are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part and the rules and regulations promulgated pursuant thereto, provided any such alternate has been approved.

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

(b) The Division of Housing may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this part and the rules and regulations promulgated pursuant thereto in quality, strength, effectiveness, fire resistance, durability, safety, and for the protection of life and health.

(c) Whenever there is evidence that any material, appliance, installation, device, arrangement, or method of construction does not conform to the requirements of this part and the rules and regulations promulgated pursuant thereto, or in order to substantiate claims for alternates, the division may require tests or proof of compliance to be made at the expense of the owner or his agent.

(Added by Stats. 1963, Ch. 2021.)

CHAPTER 3. ENFORCEMENT, ACTIONS AND PROCEEDINGS

18100. The California Highway Patrol shall enforce the provisions of Section 18255. The enforcement agency shall enforce every other provision of this part, except as provided in Section 18010.

The officers or agents of the enforcement agency may:

(a) Enter public or private property to determine whether there exists any mobilehome park to which this part applies.

(b) Enter and inspect all mobilehome parks, wherever situated, and inspect all accommodations, equipment or paraphernalia used in connection therewith, including the right to examine any registers of occupants maintained therein in order to secure the enforcement of the provisions of this part.

18101. The enforcement agency shall inspect each mobilehome park at least once annually to determine compliance with this part.

18102. The owner or operator of a mobilehome park shall abate any nuisance in the mobilehome park within five days, or within such longer period of time as may be allowed by the enforcement agency, after he has been given written notice to remove the nuisance. If he fails to do so within that time, the district attorney of the county in which the mobilehome park, or the greater portion of the mobilehome park, is situated shall bring a civil action to abate the nuisance in the superior court of the county in the name of the people of the State of California.

18103. In any action or proceeding to abate a nuisance in a mobilehome park, proof of the following facts is sufficient for a judgment or order for the abatement of the operation of the mobilehome park:

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

(a) Previous conviction of the owner or operator of a violation of this part which constitutes a nuisance.

(b) Failure on the part of the owner or operator to correct the violation after the conviction.

(c) The violation is the basis for the proceeding.

18104. For the purpose of securing the enforcement of this part the officers or agents of the enforcement agency shall have the authority to secure enforcement of this part.

18105. The owner or operator of a mobilehome park shall not be responsible for the plumbing, electrical or heating installations in any mobilehome, as specified in the requirements of Section 18371, except a mobilehome which he is holding out for rent, or has rented, to another person.

(Amended by Stats. 1963, Ch. 2150.)

CHAPTER 4. PERMITS AND FEES

18200. It is unlawful for any person to do any of the following unless he has a valid permit issued by the enforcement agency:

(a) Construct a mobilehome park.

(b) Construct additional buildings or lots, alter buildings, lots or other installations, in an existing mobilehome park.

(c) Operate, occupy, rent, lease, sublease, let out or hire out for occupancy any lot in a mobilehome park that has been constructed, reconstructed or altered without having obtained a permit as required herein.

(d) Operate a mobilehome park or any portion thereof.

18201. Applications for a permit to construct or reconstruct shall be accompanied by:

(a) A description of the grounds.

(b) Plans and specifications of the proposed construction.

(c) A description of the water supply, ground drainage and method of sewage disposal.

(d) Appropriate fees.

(e) Evidence of compliance with all valid local planning, health, utility and fire requirements.

18202. Fees as applicable shall be submitted for permits:

(a) Plan checking fees equal to one-half of the construction, mechanical and electrical permits, provided, however, the minimum fee shall be five dollars (\$5).

(b) Operating permit fee of twenty dollars (\$20) for the first 35 lots and fifty cents (\$0.50) for each additional lot in excess of the first 35 lots.

(c) Change in name, transfer of ownership, or possession fee ten dollars (\$10).

(d) Duplicate permit fee ten dollars (\$10).

18203. The Division of Housing by administrative rule and regulation shall establish a schedule of fees relating to

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

construction permits for construction, mechanical and electrical installations. The fees shall apply to and be paid to the enforcement agency. Fees established for construction, mechanical and electrical installations shall be reasonably consistent with the current edition of the Uniform Building Code as published by the International Conference of Building Officials, the Uniform Plumbing Code as published by the Western Plumbing Officials Association and the Uniform Electrical Code as published by the Pacific Coast Electrical Bureau.

18203.5. Any person violating the provisions of this chapter shall pay double the fees prescribed in this chapter.

18204. Within ten (10) days after the application and fees are received, a representative of the enforcement agency shall inspect the grounds upon which the applicant proposes to do the work for which he seeks a permit. The enforcement agency shall issue a written permit to the applicant if:

(a) The grounds are satisfactory for the work proposed.

(b) The descriptions and plans and specifications filed indicate that the work proposed will meet the requirements of this part.

18205. A permit to operate shall be issued by the enforcement agency, with a copy to the Division of Housing, following notice by the owner or operator of completion of construction and receipt of application and appropriate fees, if upon inspection the construction is found to be in compliance with the provisions of this part.

(Amended by Stats. 1963, Ch. 2021.)

18206. Permits to operate shall be issued annually by the enforcement agency covering the period from January 1 through December 31 of each calendar year. A copy of each permit to operate shall be forwarded to the Division of Housing. No mobilehome park in existence on the effective date of this part shall be denied a permit to operate if such mobilehome park complied with the law which this part supersedes.

(Amended by Stats. 1963, Ch. 2021.)

18207. The division and enforcement agency shall be notified by the new owner or operator of any mobilehome park of any change in the name or the ownership or possession thereof. The notice shall be in written form and shall be furnished within 30 days from and after any such change in name or transfer of ownership or possession. The notice shall be accompanied by the appropriate fees to the enforcement agency.

18208. Permits for construction and operation shall be posted in a conspicuous place.

18209. All permits as required in this chapter for construction or reconstruction shall automatically expire within six months from the date of the issuance thereof in those cases where the construction or reconstruction has not been com-

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

pleted within said period; provided, however, that the enforcement agency may extend expiration date of said permit for a reasonable time.

18210. If any person who holds an annual permit violates any provision of the permit or of this part, the permit may be suspended by the enforcement agency. This section does not, however, authorize the suspension of a permit of any mobilehome park existing on September 15, 1961, for any violation of this part which was not a violation of the law which this part supersedes.

(Amended by Stats. 1963, Ch. 2021.)

18211. The enforcement agency shall issue and serve upon the permittee a notice setting forth in what respect the provisions of the permit or this code have been violated, and shall notify him that unless these provisions have been complied with within 30 days after the date of notice, the permit shall be subject to suspension.

18212. The notice shall be served by posting at least one copy in a conspicuous place on the premises described in the said permit, and by sending another copy by registered mail, postage prepaid, return receipt requested, to the person to whom the permit was issued at the address therein given.

18213. If the requirements of the said notice have not been complied with on or before the expiration of 30 days after the mailing and posting of the notice, the enforcement agency may suspend the permit.

18214. Upon compliance by the permittee with the provisions of this code and of the notice, and submission of proof thereof to the enforcement agency, the enforcement agency shall reinstate the permit.

CHAPTER 5. REGULATIONS

Article 1. General Provisions

18250. It shall be unlawful for any person in a mobilehome or mobilehome park to use or cause, or permit to be used for occupancy:

(a) Any mobilehome from which any tire or wheel has been removed therefrom except for the purpose of making temporary repairs or placing it in dead storage.

(b) Any mobilehome supplied with fuel gas unless such service connections used and installations conform to rules and regulations of the Division of Housing.

(c) Any mobilehome which is permanently attached with underpinning or foundation to the ground.

(d) Any mobilehome which does not conform to the registration requirements of the Vehicle Code. A mobilehome which may be moved under permit as provided for in Sections 35780

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

and 35790 of the Vehicle Code shall be deemed to conform to the requirements of such code within the meaning of this section

(e) Any mobilehome in an unsanitary condition.

(f) Any mobilehome which is structurally unsound and does not protect its habitants against the elements.

(g) Any mobilehome to which there is attached or established less than six feet adjacent thereto any mobilehome accessory building or structure unless constructed in conformity with the rules and regulations of the Division of Housing as set forth in rules and regulations of the division for such use, and the division is hereby empowered to draft and enforce such rules and regulations. Such rules and regulations shall provide for the construction, location and use of mobilehome accessory buildings or structures to protect the health and safety of the occupants and the public.

(h) Any mobilehome in which the occupants use any water heater, clothes washer, or clothes dryer, requiring plumbing, mechanical, gas or electrical connections unless such appliance is within the mobilehome or an approved building. No such appliance outside the mobilehome shall be interconnected with the plumbing, mechanical, gas or electrical system of the mobilehome.

(i) Any mobilehome which does not have a current annual vehicle license.

(Amended by Stats. 1963, Ch. 2020 and Ch. 2021.)

18251. Every person who owns or operates a mobilehome park shall keep a register in which shall be entered:

(a) The name and address of each guest who is the owner of a mobilehome or the operator of a motor vehicle, and the name and address of each member of his party, for each occupied lot.

(b) The make, type and license number of the mobilehome and motor vehicle, if any, and the state in which such vehicle or vehicles is or are registered and the year of registration.

18252. Dogs and other animals shall not be permitted to run at large in any mobilehome park.

18253. It shall be unlawful for the owner or operator of any mobilehome park to rent or hold out for rent any mobilehome in such mobilehome park for a period of less than 90 days.

It is also unlawful for the owner or operator of any mobilehome park to rent or hold out for rent any mobilehome in such mobilehome park which contains any plumbing, heating or electrical equipment which does not meet the requirements that are prescribed by the Division of Housing pursuant to Section 18371 or which violates any of the provisions of Section 18250. The enforcement agency shall have the right to enter and

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

inspect any mobilehome which is rented or held out for rent by the owner or operator of any mobilehome park in order to determine whether or not the rental, or holding out for rent, of such mobilehome is unlawful under this section.

The enforcement agency may enter any uninhabited mobilehome which is held out for rent but not actually rented at any time between 8 o'clock a.m. and 6 o'clock p.m. of any business day. No person authorized by this section to enter mobilehomes which are rented, or held out for rent, shall enter any inhabited mobilehome between the hours of 6 o'clock p.m. of any day and 8 o'clock a.m. of the succeeding day, without the consent of the owner or of the occupants of the mobilehome, nor enter any mobilehome in the absence of the occupants without a proper written order executed and issued by a court having jurisdiction to issue the order.

If any owner or occupant of any mobilehome refuses to permit such person to enter the mobilehome at any time between the hours of 8 o'clock a.m. and 6 o'clock p.m. of any day, the person authorized by this section to enter mobilehomes which are rented or held out for rent shall report the refusal to his superior officer. The enforcement agency shall then notify the owner or occupant of the mobilehome in writing of the purpose for which it is desired to make the inspection of the mobilehome and that if the owner or occupant refuses to permit such an inspection within the hours prescribed by this section after he has received the notice he may be subject to prosecution for a misdemeanor. If the owner or occupant of the mobilehome thereafter again refuses to permit the inspection of the mobilehome, the enforcement agency shall notify the district attorney or the city prosecutor, as the case may be, who shall issue a citation to the owner or occupant of the mobilehome, directing him to appear at a designated time and place to discuss with the district attorney or city prosecutor, or his deputy, the matter of inspection of his mobilehome and to present to the district attorney or his deputy any reasons he may have for declining to submit to inspection. If such owner or occupant, having been given the opportunity to discuss the matter with the district attorney or city prosecutor, or his deputy, pursuant to the foregoing provisions of this section thereafter refuses to permit a person authorized by this part to make inspections to enter the mobilehome between the hours of 8 a.m. and 6 p.m., he is guilty of a misdemeanor.

(Amended by Stats. 1963, Ch. 2150.)

18254. It is unlawful for any person to use for human habitation any mobilehome upon any area or tract of land in an incorporated area for a period of more than seven days, or in an unincorporated area for more than 30 days, during any

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

three-month period of time without the written permission of the owner or person legally in charge of the land, and unless:

(a) He obtains a permit from the agency which has authority to enforce the provisions of this part where the area or tract of land is located.

(b) He maintains a current license from the Department of Motor Vehicles for the mobilehome.

(c) He complies with all valid local planning, health, and safety requirements.

(d) The mobilehome contains, or there is provided, such minimum requirements for health and safety as the Division of Housing by regulation determines are reasonably necessary to carry out the purpose of this part.

18255. It is unlawful to park a mobilehome upon any public highway, including the right-of-way, during the hours one-half hour after sunset to one-half hour before sunrise. The provisions of this part shall not apply where a mobilehome is parked for purpose of making emergency repairs.

18256. In every mobilehome park there shall be installed and kept burning from sunset to sunrise sufficient artificial light to adequately illuminate every building containing public toilets and public showers, and the area or tract of land containing the mobilehome park.

18257. There shall be a person available who shall be responsible for the operation and maintenance of the mobilehome park.

(Added by Stats. 1963, Ch. 2021.)

Article 2. Mobilehome Lots

18276. The occupied area of a mobilehome lot shall not exceed 75 percent of the lot area.

(Amended by Stats. 1963, Ch. 2021.)

18276.5. No mobilehome shall be located closer than 10 feet from any other mobilehome or building except as provided in Section 18277; provided, however, that this does not apply to a compartment containing solely a private toilet or bath, or both, constructed for the exclusive use of the occupants of a mobilehome lot.

(Added by Stats. 1963, Ch. 2021.)

18277. The minimum distance required for the separation of a mobilehome from a building shall be 10 feet. The minimum distance required for the separation of a mobilehome from any other mobilehome shall be: 10 feet from side to side, 8 feet from side to rear, and 6 feet from rear to rear; provided, however, that each mobilehome and each building shall not be located closer than 3 feet from the rear or side of a lot line. The minimum distance required for the separation or location of buildings from property lines shall be in accordance with

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

the requirements of the rules and regulations promulgated under Section 18300 of this part.

The minimum distance required for the separation or location of mobilehome accessory buildings or structures shall be in accordance with the requirements of the rules and regulations promulgated under subdivision (g) of Section 18250.

(Amended by Stats. 1963, Ch. 2021.)

18278. Each mobilehome lot shall have access upon a driveway of not less than 25 feet in clear width. All driveways shall have clear and unobstructed access to a public thoroughfare.

18279. A mobilehome park shall not accommodate any mobilehomes for which there are no lots conforming to the provisions of this article.

Article 3. Building Construction

18300. The Division of Housing shall promulgate such rules and regulations, in addition to the rules and regulations adopted pursuant to Section 18250, regarding the construction of buildings in mobilehome parks as the division shall determine are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The rules and regulations shall be applicable to the construction of all permanent buildings in a mobilehome park, except in a mobilehome park in a city, county, or city and county which has adopted and is enforcing a building code imposing restrictions equal to or greater than the restrictions imposed by such rules and regulations and which is the enforcement agency.

(Amended by Stats. 1963, Ch. 2021.)

Article 4. Plumbing

18325. The Division of Housing shall promulgate such rules and regulations regarding plumbing in mobilehome parks as the division determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The rules and regulations shall be applicable to all plumbing in mobilehome parks, except in permanent buildings within a mobilehome park in a city, county, or city and county which has adopted and is enforcing a plumbing code imposing restrictions equal to or greater than the restrictions imposed by such rules and regulations and which is the enforcement agency.

(Amended by Stats. 1963, Ch. 2021.)

Article 5. Toilet Facilities

18350. Public toilets, showers and lavatories shall be provided as follows:

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

(a) In mobilehome parks constructed and operated exclusively for dependent mobilehomes: one toilet, one shower, and one lavatory for each sex for each 10 dependent mobilehome lots.

(b) In mobilehome parks constructed and operated for dependent and independent mobilehomes, the following ratio of toilets, showers, and lavatories for each sex:

Lots	Toilets	Showers	Lavatories
1-25 -----	1	1	1
26-70 -----	2	2	2

One additional toilet shall be provided for each sex for each 100 additional lots or fractional part thereof in excess of 70 lots.

(c) All toilet facilities for dependent mobilehomes shall not be farther than 400 feet from any dependent mobilehome lot.

(d) Each toilet shall be for the exclusive use of the occupants of the mobilehome lots in the mobilehome park.

18351. In mobilehome parks constructed and operated exclusively for independent mobilehomes which do not have more than 10 lots, one toilet shall be provided. In such mobilehome parks which have more than 10 lots, one toilet, one shower, and one lavatory shall be provided for each sex for each 100 lots or fractional part thereof.

18352. Every toilet compartment in any building shall be at least 30 inches in clear width.

18353. Toilet facilities for men shall be distinctly marked "Men" and toilet facilities for women shall be distinctly marked "Women."

18354. The floor of every toilet facility shall be constructed and shall be maintained in a waterproof condition by the use of cement, concrete, or other approved waterproof material. The waterproof material shall be applied upward on the interior walls of the toilet facility compartment, to a height of not less than 12 inches above the floor.

18355. It is unlawful for any person to use, or permit the use of, any toilet in any mobilehome located within a mobilehome park unless the plumbing in such mobilehome park meets the requirements of the Division of Housing as set forth in the rules and regulations of the division for such use, and the division is hereby empowered to draft and enforce such rules and regulations as it determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part.

18356. Shower baths or other bathing facilities with hot and cold running water shall be installed in separate compartments. Every compartment shall be provided with a self-closing door or otherwise equipped with a waterproof draw curtain.

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

18357. The floor of every shower bath compartment shall be constructed and shall be maintained in a waterproof condition by the use of cement, concrete, or other approved waterproof material. The waterproof material shall be applied upward on the interior walls of the compartment to a height of not less than six feet above the floor.

18358. Every toilet compartment or compartments containing bathing facilities shall be:

(a) Kept clean.

(b) Kept free from obnoxious odors, flies, mosquitoes, or other insects.

(c) Provided with one or more windows having an aggregate area of not less than six square feet. However, if the room contains more than one toilet, bath, or urinal, the total window area shall be equivalent to three square feet for each toilet, bath, or urinal, but need not exceed one-fourth of the superficial floor area of the room.

(d) Windows shall be screened with not less than 16-mesh metal screen or equivalent. One-half the window area shall be openable.

(e) In lieu of windows for bath and toilet compartments, an approved exhaust fan system of ventilation may be used.

18359. There shall be constructed in every mobilehome park a laundry compartment with not less than two laundry trays.

18360. The floors and at least 12 inches upward on the walls shall be constructed of approved waterproof masonry composition.

18361. Each laundry room shall have window area equal to at least one-eighth of the floor area, one-half of which shall be openable, and in no case shall the total window area be less than nine square feet.

18362. The laundry trays shall be supplied with hot and cold water.

18363. There shall be set aside a space convenient to the laundry facilities for the occupants of the mobilehome lots to dry clothes.

18364. There shall be not less than one lavatory for each sex installed in every building in a mobilehome park containing public toilets.

18365. There shall be an adequate supply of potable water for all the requirements of the park. The water shall be obtainable from faucets installed within 100 feet of each part of the park.

18366. No dipping vessels or cups for common use are permissible.

Article 6. Electrical

18370. The Division of Housing shall promulgate such rules and regulations regarding electrical wiring, fixtures, and equip-

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

ment installed in mobilehome parks as the division determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The rules and regulations shall be applicable to all electrical wiring, fixtures, and equipment installed in a mobilehome park, except in permanent buildings within a mobilehome park in a city, county, or city and county which has adopted and is enforcing an electrical code imposing restrictions equal to or greater than the restrictions imposed by such rules and regulations and which is the enforcement agency.

(Amended by Stats. 1963, Ch. 2021.)

Article 7. Mobilehomes

18371. It is unlawful for any person to sell, or offer for sale, within this State, any mobilehome manufactured after September 1, 1958, containing plumbing, heating or electrical equipment unless such equipment meets the requirements of the Division of Housing for such installations. Such rules and regulations shall be reasonably consistent with recognized and accepted principles for plumbing, heating and electrical installations, respectively, in order to protect the health and safety of the people of this State from dangers inherent in the use of substandard and unsafe plumbing, heating and electrical equipment. The division by rule and regulation may establish a schedule of fees to pay the costs of work related to work and enforcement of this chapter. The fees collected shall be deposited to the credit of any appropriation for support of the division current at the time of collection.

If the Division of Housing determines that the standards for the plumbing, heating and electrical equipment installed in mobilehomes which have been prescribed by the statutes or rules and regulations of other states are at least equal to the standards prescribed by the division, it may so provide by regulation. Any mobilehome which a state listed in such regulations has approved as meeting its standards for plumbing, heating and electrical equipment installed in mobilehomes shall be deemed to meet the standards of the Division of Housing, if the division determines that the standards of such other state are actually being enforced.

The Division of Housing may adopt, amend, repeal, and enforce, in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, such rules and regulations as are reasonably necessary to effectuate the purposes of this section.

All mobilehomes manufactured after September 1, 1958, which are sold or offered for sale within this State, shall bear an insignia of approval by the Division of Housing for plumbing, heating and electrical equipment therein.

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

The Division of Housing may issue insignia for mobilehomes manufactured prior to September 1, 1958, which meet the standards established by the Division of Housing as provided in this section.

18372. Any mobilehome which meets the standards prescribed by the Division of Housing, Department of Industrial Relations, pursuant to Section 18371, shall not be required to comply with any local ordinances prescribing requirements for plumbing, heating and electrical equipment installed in mobilehomes.

Article 8. Maintenance and Sanitation

18375. Waste containers approved by the enforcement agency shall be provided in every mobilehome park, and all garbage, waste and rubbish shall be removed from the premises and disposed of without creating a nuisance.

18376. Any person who uses, occupies, operates or maintains any mobilehome shall dispose of any garbage, rubbish or refuse by burning or burying it at a distance more than 50 feet from any public highway or road and more than 200 feet from any spring, well, stream, lake, reservoir or other source of water supply, or other manner required by the enforcement agency.

18377. It shall be unlawful to permit any waste water or material from sinks or other plumbing fixtures in a mobilehome to be deposited upon the surface of the ground, and all such fixtures, when in use, must be connected to a sewer system or covered cesspool or septic tank.

18378. The area or tract of land upon which a mobilehome park is maintained shall be:

- (a) Well-drained and graded.
- (b) Kept free from dust.
- (c) Kept clean and free from the accumulation of refuse, garbage, rubbish or debris.

18379. The space directly beneath each mobilehome shall be kept clean and free from refuse, rubbish or other impedimenta.

CHAPTER 6. LIQUEFIED PETROLEUM GASES

18425. The Division of Housing shall promulgate such rules and regulations regarding liquefied petroleum gas equipment and installations in mobilehome parks as the division determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The rules and regulations shall be applicable to all liquefied petroleum gas equipment and installations in a mobilehome park, except in permanent buildings within a mobilehome park in a city, county, or city and county which has adopted and is enforcing a gas code imposing restrictions equal to or greater than the

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

restrictions imposed by such rules and regulations and which is the enforcement agency.

(Amended by Stats. 1963, Ch. 2021.)

18426. The Division of Housing shall adopt rules and regulations, which it determines are reasonably consistent with generally recognized fire protection standards, governing conditions relating to the prevention of fire or for the protection of life and property against fire in mobilehomes and mobile-home parks.

Any city, county, or city and county may adopt and enforce within its jurisdiction rules and regulations relating to the prevention of fire or the protection of life and property in mobilehome parks referred to in the first paragraph of this section that impose restrictions in mobilehome parks greater than those imposed by the Division of Housing pursuant to this section.

Upon written notice to the Division of Housing, the fire department of any city, county, city and county, or fire protection district shall have the power to enforce within its jurisdiction all rules and regulations adopted pursuant to this section.

(Added by Stats. 1963, Ch. 1753.)

CHAPTER 7. PENALTIES

18475. Any person who violates any of the provisions of this part is guilty of a misdemeanor, punishable by a fine not exceeding two hundred dollars (\$200) or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment.

PART 2.1. AUTO COURTS AND RESORTS

NOTE: Part 2.1 was formerly part of Part 2. See note at beginning of Part 2.

CHAPTER 1. DEFINITIONS AND SCOPE

18500. The provisions of this part insofar as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments.

18501. "Auto court and resort," as used in this part, means any area, place, or tract of land where two or more single family dwellings, or a building containing two or more apartments designed, used, or intended wholly or in part for the accommodation of transients, are located and offered for hire, rent, or lease by any person, firm, or corporation. Auto court and resort also includes any motel.

18502. "Motel," as used in this part, means a building or buildings each containing six or more guest rooms or apart-

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

ments, or combinations thereof, each of which has a separate, individual entrance leading directly from the outside of the building and is designed, used or intended wholly or in part for the accommodation of transients.

(Amended by Stats. 1961, Ch. 1237.)

18503. "Apartment," as used in this part, means a room or suite of rooms in a building occupied or designed for occupation by one family for living or sleeping purposes.

18504. "Approved," when used in connection with any material, appliance or construction, means meeting the requirements and approval of the Division of Housing of the Department of Industrial Relations of the State of California.

18504.1. The provisions of this part are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part, provided any such alternate has been approved.

(a) The Division of Housing may approve any such alternate if it finds that the proposed design is satisfactory and the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least equivalent of that prescribed in this part in quality, strength, effectiveness, durability, safety, and for the protection of life and health.

(b) The division may require that satisfactory evidence or proof be submitted to substantiate any claims that may be made regarding the use of any such alternate.

(Added by Stats. 1961, Ch. 1237.)

18504.2. "Basement" is that portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

(Added by Stats. 1961, Ch. 1237.)

18505. "Building" is any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

(Amended by Stats. 1961, Ch. 1237.)

18505.1. "Cellar" is that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

(Added by Stats. 1961, Ch. 1237.)

18506. "Dwelling," as used in this part, is a building containing one or more apartments.

18507. "Garage" means any space in any building used for the storage of automobiles.

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

(a) A "private garage" is space in a building in which only motor vehicles used by the tenants of the building are placed or stored and the floor area is limited to 2,000 square feet.

(b) A "public garage" is space in a building in which only motor vehicles used by the tenants of the building are placed or stored and the floor area exceeds 2,000 square feet.

(Amended by Stats. 1961, Ch. 1237.)

18507.1. "Guest" means any person who rents or occupies a room for sleeping purposes.

(Added by Stats. 1961, Ch. 1237.)

18508. "Family," as used in this part, means one person living alone or a group of two or more persons occupying an apartment.

18508.1. "Kitchen" means any room designed primarily to be used for cooking and preparing food.

(Added by Stats. 1961, Ch. 1237.)

18509. "Liquefied petroleum gas" means petroleum hydrocarbons or mixtures thereof, in liquid or gaseous state, having a vapor pressure in excess of 26 psi at a temperature of 100 degrees F. Whenever the symbol "LPG" is used, it shall mean liquefied petroleum gas.

18510. "Story" is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet above grade such basement or cellar shall be considered a story.

(Amended by Stats. 1961, Ch. 1237.)

18511. In an auto court and resort "nuisance" includes any of the following:

(a) Any public nuisance known at common law or in equity jurisprudence.

(b) Whatever is dangerous to human life or is detrimental to health.

(c) The overcrowding of any room with occupants.

(d) Insufficient ventilation or illumination of any room.

(e) Inadequate or insanitary sewage or plumbing facilities.

(f) Whatever renders air, food, or drink unwholesome, or detrimental to the health of human beings.

18512. The provisions of this part relating to auto courts, resorts and motels apply only in the unincorporated areas of this State, except within counties that have enacted and are enforcing ordinances or regulations imposing restrictions equal to or greater than those imposed by this part and prescribing permits, certificates, or other forms or documents required by this part for which fees may be required.

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

(c) In the event of nonenforcement of any local ordinance or regulation adopted pursuant to this chapter, the provisions of this part shall be enforced by the Division of Housing in any such county after the division has given written notice to the governing body of such county of a violation of this part and the county has failed to secure correction of the violation within 30 days of the date of such notice.

(Amended by Stats. 1961, Ch. 1237.)

CHAPTER 2. ENFORCEMENT, ACTIONS AND PROCEEDINGS

18550. The Division of Housing in the Department of Industrial Relations shall enforce every provision of this part.

The officers or agents of the division, or the county health officer, may:

(a) Enter public or private property to determine whether there exists any auto court and resort, to which this part applies.

(b) Enter and inspect all auto courts and resorts wherever situated, and inspect all accommodations, equipment or paraphernalia used in connection therewith, including the right to examine any registers of occupants maintained therein in order to secure the enforcement of the provisions of this part.

18551. The owner or operator of an auto court and resort shall abate any nuisance in the court and resort within five days, or within such longer period of time as may be allowed by the Division of Housing, after he has been given written notice by the division to remove the nuisance. If he fails to do so within that time, the district attorney of the county in which the auto court and resort, or the greater portion of the auto court and resort, is situated shall bring a civil action to abate the nuisance in the superior court of the county in the name of the people of the State of California.

18552. In any action or proceeding to abate a nuisance in an auto court, resort, or motel, proof of any one of the following facts is sufficient for a judgment or order for the abatement of the operation of the auto court, resort, or motel:

(a) Previous conviction of the owner or operator of a violation of this part which constitutes a nuisance.

(b) Failure on the part of the owner or operator to correct the violation after the conviction.

(c) The violation is the basis for the proceeding.

(Amended by Stats. 1961, Ch. 1237.)

18553. For the purpose of securing the enforcement of this part the officers or agents of the Division of Housing shall have the authority of peace officers, including authority to make arrests, to serve any process or notice throughout the State, and generally such other authority of peace officers as may be necessary in order to secure enforcement of this part.

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

CHAPTER 3. PERMITS AND FEES

18600. It is unlawful for any person to do any of the following unless he has a valid permit issued by the Division of Housing:

- (a) Construct an auto court, resort, or motel.
- (b) Construct additional buildings, reconstruct, alter or move existing buildings in an existing auto court, resort, or motel.
- (c) Operate, occupy or rent, lease, sublease, let, or hire out for occupancy any building in an auto court, resort, or motel that has been constructed, reconstructed, or altered or moved without having obtained a permit as required herein.
- (d) Operate an auto court, resort, or motel or any portion thereof, for which a permit to occupy and operate has not been issued by the Division of Housing.

(Amended by Stats. 1961, Ch. 1237.)

18600.1. All applications for permits shall be made on forms available from the division together with appropriate fees as required by this part.

(Added by Stats. 1961, Ch. 1237.)

18601. The application for permit to construct or reconstruct shall be accompanied by:

- (a) A description of the grounds.
- (b) Complete plans and specifications of the proposed construction.
- (c) A description of the water supply, ground drainage, and method of sewage disposal.

(d) The fee prescribed for filing an application for a permit.

(e) Local planning commission approval relating to all applicable zoning codes and ordinances pertaining to land use.

(Amended by Stats. 1961, Ch. 1237.)

18602. The following fees as applicable shall be submitted with the appropriate application for a permit:

- (a) Plan filing fee of ten dollars (\$10).
- (b) Construction permit fees as follows:

Total valuation	Fee
Less than \$50_____	No fee
\$50 to and including \$1,000_____	\$5.00
Each additional \$1,000 or fraction to and including \$15,000_____	2.00
Each additional \$1,000 or fraction to and including \$50,000_____	1.00
Each additional \$1,000 or fraction exceeding \$50,000 _____	.50

(c) Permit to operate fee_____ 10.00

(d) Duplicate permit fee_____ 10.00

(Amended by Stats. 1961, Ch. 1237.)

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

18603. Within 10 days after the application and plan filing fee are received by the division, a representative of the Division of Housing shall inspect the grounds upon which the applicant proposes to do the work for which he seeks a permit. The division shall issue a written permit to the applicant, upon payment of the required construction permit fee, if:

- (a) The grounds are satisfactory for the work proposed.
- (b) The descriptions and plans and specifications filed indicate that the work proposed will meet the requirements of this part.

(Amended by Stats. 1961, Ch. 1237.)

18603.1. A permit to operate shall be issued by the division following notice by the owner or operator of completion of construction and receipt of application and appropriate fees, if upon inspection the construction is found to be in compliance with the provisions of this part.

(Added by Stats. 1961, Ch. 1237.)

18604. The Division of Housing shall be notified by the new owner or operator of any auto court, resort, or motel of any change in the name or the ownership or possession thereof. Said notice shall be in written form and shall be furnished within 30 days from and after any such change in name or transfer of ownership or possession. The notice shall be accompanied by appropriate fees for a permit to operate.

(Amended by Stats. 1961, Ch. 1237.)

18605. Permits for construction and operation shall be posted in a conspicuous place.

18606. All permits as required in this chapter for construction or reconstruction of an auto court and resort shall automatically expire within six months from the date of the issuance thereof in those cases where the construction or reconstruction has not been completed within said period; provided, however, that the Division of Housing may extend the expiration date of said permit for a reasonable time.

18607. In the event that any person holding a permit issued by the Division of Housing under Chapter 3 of Part 2.1, Division 13 of this code, violates any of the provisions of the said permit or of the said chapter, the permit may be subject to suspension as provided in this chapter.

18608. The Division of Housing shall issue and serve upon the permittee a notice setting forth in what respect the provisions of the permit and/or this code have been violated, and shall notify him that unless these provisions have been complied with within 30 days after the date of notice, the permit shall be subject to suspension.

18609. The notice shall be served by posting at least one copy in a conspicuous place on the premises described in the said permit, and by sending another copy by registered mail,

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

postage prepaid, return receipt requested, to the person to whom the permit was issued at the address therein given.

18610. If the requirements of the said notice have not been complied with on or before the expiration of 30 days after the mailing and posting of the notice, the Division of Housing may suspend the permit.

18611. Upon compliance by the permittee with the provisions of this code and of said notice, and submission of proof thereof to the Division of Housing, the division shall reinstate the permit.

CHAPTER 4. REGULATIONS

Article 1. Construction

18650. Every building in an auto court and resort shall be constructed in a substantial and thoroughly workmanlike manner; and shall provide shelter to the occupants against the elements, and exclude dampness in inclement weather.

18651. Every building in an auto court and resort and every part of such building shall be maintained in a state of good repair.

18652. The footings, foundations, walls, joists, studding, girders, columns, and all other bearing portions of a building shall be of such sizes and so constructed as to sustain safely in all their parts all the live and dead loads transmitted to them, in addition to their own dead loads.

18653. Each floor in a building shall be constructed to sustain safely a live load of not less than 40 pounds to each square foot.

18654. Each roof of a building shall be constructed to sustain safely a live load of not less than 20 pounds to each square foot.

18655. Schedules of weights of materials, safe allowable unit stresses, and formulas used for computing stresses shall be of standard recognized practice.

18656. The wooden studs in every bearing wall and bearing partition shall be not less than two inches by four inches, and the studs shall be spaced not more than 16 inches center to center, except that construction of equal or greater strength may be used in lieu thereof.

18657. All wooden stud walls and partitions shall be effectively fire-stopped at the floors and ceilings.

18658. Each wooden stud wall and partition shall be thoroughly and effectively angle-braced at each corner and at least once in each 25 feet of its length, except that diagonal sheathing or other membrane of comparable strength and rigidity may be used for angle-bracing.

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

18659. No floor joists or other bearing support shall be cut or notched for any purpose unless it is reinforced to take up the weakness caused by the cut or notch.

18660. Every span of wooden floor joists shall be cross-bridged with cross-bridging of not less than 2-inch x 3-inch material, at intervals not more than eight feet apart. A bearing partition, wall girder, or other support under the joists that is blocked solid over its top between the joists with blocks not less than two inches thick the full depth of the joists shall take the place of cross-bridging.

18661. Every building shall have an adequate concrete or masonry foundation.

(Amended by Stats. 1961, Ch. 1237.)

18662. There shall be a clear air space under the lower floor of every building in an auto court and resort. The air space shall:

(a) Measure at least 18 inches in the clear from the underside of the floor joists to the ground directly beneath; provided, that waterproof masonry floors of not less than four-inch thickness may be laid directly on the ground.

(b) Be enclosed.

(c) Be provided with a sufficient number of openings with screens, lattice work, or similar installations, of a size to insure ample ventilation.

The surface underneath the floor shall be kept clean, and shall be free from any accumulation of rubbish, debris, or filth.

18663. Every sleeping room in any building in an auto court and resort shall:

(a) Have a superficial floor area of at least 80 square feet.

(b) Be at least seven feet in width at any point within that portion of the room included in computing the minimum required superficial floor area.

18664. Every sleeping room and kitchen in any building in an auto court and resort shall have a ceiling height of at least eight feet, measured from the finished floor to the finished ceiling; but if the room has a sloping ceiling, the ceiling height may be less than eight feet in not more than one-half the sloping ceiling portion of the room.

18665. Every partition in a building in an auto court and resort separating a room used for cooking purposes from a room used for sleeping purposes shall extend to the ceiling, or to the roof, if there is no ceiling and any openings therein shall be provided with a full length solid door.

18666. Every kitchen in any building in an auto court and resort shall contain not less than 50 square feet of floor area.

18667. Every room in a building used as a toilet or bathroom shall be separated from kitchens, living or sleeping rooms

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

by a partition extending to the ceiling, or to the roof if there is no ceiling, and any openings therein shall be provided with a full length solid door.

(Amended by Stats. 1961, Ch. 1237.)

18668. The provisions of Sections 18656, 18657, 18658, 18659, 18660, and 18661 of this article shall not apply to the construction of tent-houses in seasonal resorts operated between May 1st and October 15th of each year.

Article 2. Windows

18675. "Window," as used in this article, includes a French door or window.

18676. Windows required by this article may be measured the full width of the sash.

18677. Every living room, sleeping room, or kitchen in every building shall be provided with one or more windows having an aggregate area of not less than one-eighth the floor area of the room, or not less than 12 square feet, whichever is the greater.

Every bath or toilet compartment shall be provided with one or more windows having an aggregate area of not less than three square feet.

(Amended by Stats. 1961, Ch. 1237.)

18678. In lieu of windows for private bath and toilet compartments in an auto court and resort, or motel, an approved fan exhaust system of ventilation may be used.

18679. The fan exhaust system of ventilation shall be so designed and operated as to produce a complete change of air in not more than five minutes.

18680. Any person in charge of a building in which a fan exhaust system of ventilation is installed and used pursuant to this article, who fails, neglects, or refuses to operate and maintain the system in good order and repair so that the air in each room for which it is provided is not completely changed within the specified intervals, is guilty of a misdemeanor.

18681. Windows required by this article shall be so arranged that at least one-half of their aggregate area may be opened.

18682. All required windows shall abut upon a street, or a yard or court not less than four feet in clear width, and containing an area of not less than 40 square feet, open and unobstructed to the sky, located on the same lot as the building it serves. Required bath or toilet room windows, however, may open into a vent shaft at least three feet in its least dimension and unobstructed to the sky.

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

18683. A window required for any room shall not open through any roofed porch or balcony unless the porch or balcony:

(a) Abuts a street, yard, or court.

(b) Is designed and constructed with one side and one end open and unobstructed, except for the usual rails, balustrades, and similar necessary structural features. If the porch is on the ground floor of the building, the open and unobstructed side and end shall be at least 65 percent open and unobstructed, measured between the floor or ground and the underside of the roof. If it is above the first or ground story, such side and end shall be at least 90 percent open and unobstructed, measured between the floor and the underside of the roof of the porch.

(c) Has a ceiling height of not less than seven feet.

(Amended by Stats. 1961, Ch. 1237.)

Article 3. Air Ducts

18700. Every duct used for the transmission of air, whether for ventilating, cooling, or heating purposes, and forming part of any mechanical or other system of ventilation or air conditioning system, installed in any auto courts and motels, shall be constructed of either of the following materials:

(a) Approved incombustible materials.

(b) Approved metal not less than number 26 gauge, with lock-jointed seams and with all joints connecting each duct unit effectively riveted or otherwise securely attached.

Article 3.1. Stairways, Exits and Means of Egress

(Article 3.1 added by Stats. 1961, Ch. 1237)

18710. All stairways, exits and means of egress shall be installed in accordance with the requirements of the Division of Housing as set forth in rules and regulations of the division for such use.

(Added by Stats. 1961, Ch. 1237.)

Article 4. Garages

18725. No window from any building shall open into a garage.

18726. Every garage shall be provided with a minimum ventilation area of 60 square inches for each automobile stored in each garage. Each ventilation outlet shall be protected with galvanized wire or rods not less than three-eighths-inch diameter and provide openings not less than one-half-inch mesh. Each ventilation opening shall lead to the outer air and shall not be more than 18 inches above the garage floor level.

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

18727. A private garage shall be separated from the rest of the building by not less than approved one-hour fire resistive construction.

(Added by Stats. 1961, Ch. 1237.)

18728. A public garage shall be separated from the rest of the building by not less than approved three-hour fire resistive construction.

(Added by Stats. 1961, Ch. 1237.)

18729. Garage floors shall be concrete not less than 3½ inches thick or the equivalent thereof.

(Added by Stats. 1961, Ch. 1237.)

Article 5. Masonry Construction

18750. Unit masonry walls used in the construction of any building in an auto court and resort or motel shall be constructed as follows:

(a) Bearing walls and bearing partitions shall be not less than eight inches in width.

(b) All masonry units shall be laid up in cement mortar.

(c) Bearing walls shall be so designed and constructed to withstand the vertical live and dead loads placed on them and to withstand a horizontal force from any direction of 15 pounds per square foot of wind pressure on the vertical projection of the exposed surface of the walls.

(d) Walls as described above shall be so designed as to admit of a rational analysis in accordance with established principles of mechanics.

Article 6. Plumbing, Use and Sanitation

18775. One water closet for each sex shall be provided in a separate compartment for every 10 apartments or fractional part thereof in an auto court and resort not provided with a private water closet; provided, however, that the enforcement agency may authorize other types of toilet facilities in its discretion.

18776. Every water closet compartment in any building shall be at least 30 inches in clear width.

18777. The public toilets shall be maintained readily accessible to all the tenants at all times.

18778. One shower or bathtub for each sex shall be provided in a separate compartment for every 10 apartments or units or fractional part thereof in every auto court and resort not provided with private bathing facilities. Such shower or bathtub shall be supplied with hot and cold water.

18779. The floor of every water closet and shower bath compartment shall be constructed, and shall be maintained in

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

a waterproof condition by the use of cement, concrete, or other approved waterproof material. The waterproof material shall be applied upward on the interior walls of the shower bath compartment to a height of not less than six feet above the floor.

18780. No apartment or unit shall be more than 200 feet from a toilet and a shower or bath compartment.

18781. Each kitchen shall be provided with a kitchen sink constructed of approved nonabsorbent material, and supplied with hot and cold running water.

18782. No door or other opening in a toilet compartment shall open from or into a kitchen.

(Amended by Stats. 1961, Ch. 1237.)

18783. In every building in an auto court and resort each plumbing fixture shall be connected to a sanitary drainage system, and shall be provided with a water-sealed trap.

18784. The trap shall be separately and effectively vented by means of a connection to a vent pipe extending to the outer air above the roof. The vent pipe shall be so installed and maintained that no drainage or sewage from any fixture may be deposited in or conveyed through it.

18785. Plumbing vent pipes installed in any building shall not terminate at a point adjacent to any window or other opening in the building intended or used for ventilation purposes.

18786. Suitable and readily accessible cleanouts shall be placed at convenient points in the plumbing system of every building.

18787. Whenever any plumbing fixture becomes insanitary, the enforcement agency may require its removal and replacement by a fixture conforming to the provisions of this part.

18788. If it is impracticable to connect the plumbing fixtures affecting the sanitary drainage system with municipal or sanitary district sewer, sewage or waste may be discharged into a cesspool or into a septic tank constructed and maintained to the satisfaction of the enforcement agencies.

18789. No sewage, waste water or any effluent shall be allowed to be deposited on the surface of the ground.

18790. There shall be an adequate supply of potable water obtainable from faucets installed within 100 feet of each dwelling.

(Amended by Stats. 1961, Ch. 1237.)

18791. No dipping vessels or cups for common use are permissible in any auto court and resort.

18792. Drinking fountains shall be maintained in a sanitary condition and shall be of a type approved by the enforcement agency.

18793. Every gas-fired appliance, except gas plates, gas ranges, and refrigerators approved for unvented use, shall be

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

an approved vented type appliance and shall be so vented as to effectively discharge the flue gases therefrom through a sheet metal or other approved vent pipe not less than the area of the vent outlet on the appliance but in no case less than 2½ inches in internal diameter, which vent pipes, except those serving appliances with forced draft or sealed combustion chamber, shall be connected to a vertical, or substantially vertical flue or chimney leading to the outer air above the roof. Appliances with forced draft or sealed combustion chambers shall be vented in accordance with the manufacturer's instructions. A model or sample of every gas-fired appliance shall have been tested and approved by a nationally recognized testing laboratory and such appliance shall have attached thereto an insigne of approval by such testing laboratory. The flue or chimney shall be either terra cotta, brick, fire clay, or other approved product, having a wall thickness of adequate insulating value, and which will not disintegrate from the effects of the products of combustion. The internal area of the flue or chimney shall be at least 12 square inches.

All gas appliances subject to the provisions of this section shall be rigidly connected with metal piping or approved connectors directly to the gas service outlet.

(Amended by Stats. 1961, Ch. 1237.)

18794. There shall be installed in the ceiling over any gas cooking appliance an opening not less than six by eight inches, connected to a vertical duct leading to the outer air above the roof.

18795. No provision of this part shall be construed to prohibit the installation or construction in a room used for sleeping purposes of an approved cabinet unit built entirely of incombustible and nonabsorbent material, which unit may contain a cooking appliance and shall contain a kitchen sink supplied with hot and cold running water, and a refrigerator.

There shall be installed in the ceiling over any such cooking appliance a ventilating opening of not less than 48 square inches connected by an incombustible ventilating duct leading to the outer air above the roof of the building. The ventilating duct shall have a minimum cross sectional area of 28 square inches. An approved forced-draft system of ventilation may be substituted for the natural-draft ventilating system.

The area of any such room shall be not less than 170 square feet in superficial floor area.

(Amended by Stats. 1961, Ch. 1237.)

18796. It is unlawful to use or permit to be used for sleeping purposes any room in any building that does not contain at least 640 cubic feet of air space.

If any room is used for sleeping purposes by more than two persons, the minimum required cubic air space of the room

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

shall be increased by not less than 500 cubic feet for each additional person in excess of two that the room is designed, built, or intended to, or does, accommodate.

18797. Every building in an auto court and resort and every part of such building shall be maintained in a clean and sanitary condition and shall be kept free from vermin, debris, filth, rubbish, garbage or other offensive matter.

18798. The premises upon which an auto court and resort is situated shall be well drained and properly graded and maintained in a clean and sanitary condition.

18799. Every mattress and all bedding used in any auto court and resort shall be maintained in a clean and sanitary condition and free from vermin.

18800. All garbage, waste and rubbish in every auto court and resort shall be burned, buried, or removed from the premises without creating a nuisance and in such manner as may be approved by the health department of the county in which the camp is located.

CHAPTER 5. LIQUEFIED PETROLEUM GASES

18825. (a) No cylinder shall be located within a building enclosed on four sides, nor within five (5) feet of a source of ignition, nor below ground, nor below ground level, nor with the outlet less than five (5) feet away from any building opening which is below the level of such outlet.

The discharge from safety valves shall be vented in such manner as to prevent any impingement of escaping LPG upon the vessel, and such discharge point shall be not less than five (5) feet, measured horizontally from any building opening which is below such discharge.

(b) Each tank shall be located with respect to the nearest source of ignition or line of property adjoining, which may be built upon in accordance with the following table. Vessels and first-stage regulating equipment carrying more than 20 psi pressure shall be located outside the buildings, except as hereinafter provided. Each individual vessel shall be located with respect to the nearest important building or group of buildings or line of property adjoining, which may be built upon, in accordance with the following table:

Volumetric capacity of vessels (in U. S. gallons)	Minimum distance
Not more than 500 U. S. gallons	10 feet
501 to 1,200 U. S. gallons	25 feet
Over 1,200 U. S. gallons	50 feet

(c) Regulating or filling equipment on tanks filled on consumers' premises shall not be less than 15 feet from any open-

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

ing into or under a building where such opening is below the level of the outlets of such regulating or filling equipment.

(d) Readily ignitable material shall not be permitted within ten (10) feet of any vessel, regulator, or vaporizer.

18826. No cylinder shall be charged within ten (10) feet of any building in an auto court and resort or motel.

CHAPTER 6. MISCELLANEOUS PROVISIONS

18875. Every person who owns or operates an auto court and resort shall keep a register in which shall be entered (a) the name and address of each guest who is the owner or operator of an automobile, and the name and address of each member of his party, for which accommodations are afforded in an auto court and resort, (b) the make, type and license number of the automobile, if any, and the state in which such vehicle or vehicles is or are registered and the year of registration.

18876. In every auto court and resort there shall be installed and kept burning from sunset to sunrise sufficient artificial light to adequately illuminate every building containing public toilets and public showers, and the area or tract of land containing the auto court and resort.

18877. Electrical wiring, fixtures, and equipment shall be installed and maintained in accordance with the provisions of the National Electrical Code, 1959 Edition.

(Amended by Stats. 1961, Ch. 1237.)

18878. Dogs and barnyard animals including poultry, shall not be permitted to run at large in any auto court or resort.

18879. (Repealed by Stats. 1961, Ch. 1237.)

18880. (a) This part does not apply to any hotel which is subject to the provisions of Part 1 of this division. A "motel" as defined in Section 18502 shall not be considered subject to Part 1.

(b) This part does not apply to any apartment house which is over one story in height and which is subject to the provisions of Part 1 of this division.

CHAPTER 7. VIOLATIONS

18895. Any person who violates any of the provisions of this part is guilty of a misdemeanor, punishable by a fine not exceeding two hundred dollars (\$200) or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

NOTE: Part 2 was repealed and added by Stats. 1961, Ch. 2176. For legislative history of any particular section prior to the enactment of Stats. 1961, Ch. 2176, see note at beginning of Division 13, Part 2 (commencing Section 18000).

PART 2.3. CAMPS

(Part 2.3 added by Stats. 1961, Ch. 1929)

18897. "Organized camp" means a site with program and facilities established for the primary purposes of providing an outdoor group living experience with social, spiritual, educational, or recreational objectives, for five days or more during one or more seasons of the year. The term "organized camp" does not include a motel, tourist camp, trailer park, resort, hunting camp, auto court, labor camp, penal or correctional camp nor does it include a child care institution or home-finding agency. The term "organized camp" also does not include any charitable or recreational organization which complies with the rules and regulations for recreational trailer parks provided for by subdivision (c) of Section 18013.

(Added by Stats. 1961, Ch. 1929; amended by Stats. 1963, Ch. 278.)

18897.1. "Camper" means any person in an organized camp on a fee or nonfee basis who is a participant in the regular program and training of an organized camp, and who may take on duties relating to such program and training.

(Added by Stats. 1961, Ch. 1929.)

18897.2. The State Director of Public Health shall adopt, in accordance with the provisions of Chapter 4 (commencing with Section 11370), Part 1, Division 3, Title 2 of the Government Code, and enforce such rules and regulations establishing minimum standards for organized camps and regulating the operation of organized camps as he determines are necessary to protect the health and safety of the campers. In adopting such rules and regulations the State Director of Public Health shall consider the Resident Camp Standards of the American Camping Association and the recommendations of the State Department of Industrial Relations and the State Fire Marshal.

(Added by Stats. 1961, Ch. 1929.)

18897.3. Every local health officer shall enforce within his jurisdiction the rules and regulations adopted pursuant to Section 18897.2 of this code.

(Added by Stats. 1961, Ch. 1929.)

18897.4. No organized camp shall be operated in this State after January 1, 1962 unless each site or location in which the camp operates satisfies the minimum standards for organized camps prescribed by the State Director of Public Health. Any violation of this section or of any rule or regulation adopted pursuant to Section 18897.2 of this code in the operation of organized camps is a misdemeanor.

(Added by Stats. 1961, Ch. 1929.)

18897.5. Except to the extent that the Department of Industrial Relations may have the authority to regulate the wages, hours, or conditions of employment of employees of organized camps, organized camps shall not be subject to regulation by any state agency other than the State Department of

Public Health, and except that the fire and safety laws and regulations of the State Fire Marshal shall apply to such camps.

(Added by Stats. 1961, Ch. 1929.)

PART 2.5. STATE BUILDING STANDARDS COMMISSION

(Part 2.5 added by Stats. 1953, Ch. 1500)

18900. There is in the Department of Finance a State Building Standards Commission consisting of the Director of Finance and 10 members appointed by the Governor subject to confirmation by the Senate. Three members shall be appointed by and serve at the pleasure of the Governor from among the professions and industries concerned with building construction, of whom one shall be an architect, one a structural engineer and one a contractor; three members shall be appointed by and serve at the pleasure of the Governor from among the general public; one member shall be appointed by and serve at the pleasure of the Governor from organized labor in the building trades; and three members shall be appointed by and serve at the pleasure of the Governor from among local government officials. The Director of Finance shall serve as the chairman of the commission. The Director of Finance may, as provided in Section 7.5 of the Government Code, designate a Deputy Director of the Department of Finance to act in his place as chairman. The commission shall elect a vice chairman annually from among its members.

The Governor may appoint advisory members from the state agencies which administer and enforce building regulations.

The Director of Finance shall provide the necessary staff services to the commission and may appoint, in accordance with civil service and other provisions of law, such officers and employees as may be necessary to carry out the intent and purposes of this part.

(Added by Stats. 1953, Ch. 1500; amended by Stats. 1959, Ch. 1807, and by Stats. 1962 (1st Ex. Sess.), Ch. 59.)

18901. The commission shall publish a single code of all administrative building regulations of state agencies relating to building standards which are enforced or supervised by state agencies, which code may include administrative regulations or applicable building codes or portions thereof by means of reference.

The commission shall publish an index and reference guide to the administrative regulations and statutes relating to building standards that have been approved by the commission. The publication of such index and reference guide shall relate only to such regulations as have been otherwise approved and such publication shall not constitute the approval of nor nullify or

supersede any existing regulation legally adopted by any state agency.

(Added by Stats. 1953, Ch. 1500; amended by Stats. 1955, Ch. 1715, by Stats. 1959, Ch. 495, and by Stats. 1962 (1st Ex. Sess.), Ch. 59.)

18902. Every state officer and employee authorized by law to adopt any rule or regulation relating to or repealing building standards shall do so only through and with the approval of the commission.

(Added by Stats. 1953, Ch. 1500; amended by Stats. 1959, Ch. 495. In effect May 22, 1959.)

18903. It is the purpose of this part to provide the means for eliminating duplication, conflict and overlapping in state building regulations and not to substitute the commission for the responsibilities now vested by law in various state agencies. To that end each state agency concerned shall continue to prepare such building regulations as it is authorized and finds necessary, but such regulations shall not be effective until approved by the commission. The commission shall review such regulations, and if it finds duplication, conflict, or overlapping it shall require any agency to submit revisions of such regulations within not less than 120 days nor more than 180 days after date of the receipt of the request. If such agency does not do so within 180 days, the commission may rewrite, edit, or amend such existing and proposed regulations consistent with the intent of this part, and as provided by the Administrative Procedure Act, Chapter 4 (commencing with Section 11370), Part 1, Division 3, Title 2, of the Government Code. It shall not, however, be required that hearings or other administrative procedures be duplicated on unchanged portions of administrative regulations previously adopted, and approved by the commission.

“State agency” for the purposes of this part does not include a county, city and county, or city.

The commission shall appoint from the building construction industry, the occupancies to be affected by the proposed regulations, and interested governmental agencies, appropriate advisory panels to advise the commission with respect to building regulations. Such persons shall serve without compensation.

(Added by Stats. 1953, Ch. 1500; amended by Stats. 1959, Ch. 495, and by Stats. 1962 (1st Ex. Sess.), Ch. 59.)

18904. The commission shall withhold approval and shall require change in any proposed or existing regulation only if it finds duplication, conflict or overlapping, or when the nomenclature or arrangement does not conform to that adopted by the commission. New or amended regulations submitted to the commission shall be approved, or the state agency concerned shall be notified in writing why approval is denied within 120 calendar days after such regulations have been submitted. The commission shall not require any substantive change unless such change is necessary because of duplication,

conflict, overlapping, nomenclature, or arrangement. The commission shall notify all other state agencies concerned with respect to existing as well as proposed regulations and shall make recommendations to eliminate conflicts and to assure consistency and uniformity of all statewide building standards.

(Added by Stats. 1953, Ch. 1500; amended by Stats. 1959, Ch. 495, and by Stats. 1962 (1st Ex. Sess.), Ch. 59.)

18905. The responsibility for enforcing or supervising the enforcing of state building regulations shall remain as vested by law.

(Added by Stats. 1953, Ch. 1500; amended by Stats. 1959, Ch. 495. In effect May 22, 1959.)

18905.1. Any agency, person, firm or corporation that is or may be affected by any regulation, rule, omission or decision of any state agency, relating to duplication, conflict, or overlapping of building regulations, may ask the commission for interpretation or reconsideration of such rule or regulation.

Any request for interpretation or reconsideration shall be in writing to the commission, and the decisions of the commission shall likewise be in writing.

The commission may designate a committee to investigate and report to the commission its findings on any such request for interpretation or reconsideration filed with the commission.

After such interpretation by the commission, proceedings for appeal shall be conducted in accordance with the provisions of the Administrative Procedure Act.

(Added by Stats. 1962 (1st Ex. Sess.), Ch. 59.)

18905.2. If the commission determines that any regulations are necessary to carry out the intent and purpose of this part, it shall request the appropriate agency having regulatory powers to adopt such regulations. If such agency does not do so within 180 days following the date of the request, the commission shall adopt regulations relating to the subject matter which shall remain in effect until such agency adopts regulations on the subject matter.

All building regulations shall be written, administered, and interpreted on a performance basis consistent with state and nationally recognized standards for building construction as set forth by the commission, in view of the use and occupancy of each structure, and the qualities and quantities of available materials, and methods of construction, to best preserve and protect the public health and safety.

(Added by Stats. 1962 (1st Ex. Sess.), Ch. 59.)

18906. The commission in co-operation with all state agencies concerned, shall rewrite, where necessary, promulgate and publish, as provided by the Administrative Procedure Act, Chapter 4 (commencing with Section 11370), Part 1, Division 3, Title 2, of the Government Code, a State Building Standards Code which shall, when completed and published, supersede all then existing administrative regulations relating to

building standards issued by individual state agencies. The code may contain references to state laws relating to building standards. Thereafter the commission may approve and publish amendments to the code not oftener than once each 90 days, except that by three-fourths vote of all its members the commission may find that an emergency exists and may then adopt and publish amendments as needed.

It is the intent of this part that duplication, overlap, and conflict shall be eliminated from existing statutes. To this end, the commission shall propose to the Legislature means by which this could be accomplished.

(Added by Stats. 1953, Ch. 1500; amended by Stats. 1959, Ch. 495, and by Stats. 1962 (1st Ex. Sess.), Ch. 59.)

18906.3. For the purpose of this part the term "building standard" means any adopted state administrative regulation or statute pertaining to the construction, alteration or improvement of a "building" as defined in Section 18906.4. The term "building standard" does not include any safety regulations which any state agency is authorized to adopt relating to the operation of machinery and equipment used in manufacturing, processing, or fabricating including, but not limited to, warehousing and food processing operations, scaffoldings, and similar safety devices and procedures, used in the erection, demolition, moving, or alteration of buildings.

(Added by Stats. 1959, Ch. 495, and by Stats. 1962 (1st Ex. Sess.), Ch. 59.)

18906.4. For the purpose of this part "building" means any structure as to which state agencies have regulatory power, built for support, shelter, housing or enclosure of persons, animals, chattels, equipment, or property of any kind, and also includes structures wherein things may be grown, made, produced, kept, handled, stored, or disposed of. All appendages, accessories, apparatus, appliances, and equipment installed as a part of a building or structure shall be deemed to be a part thereof, but "building" shall not include machinery, equipment, or appliances installed for manufacture or process purposes only, nor shall it include any construction installations which are not a part of a building, any tunnel, mine shaft, highway, or bridge, or include any house trailer or vehicle which conforms to the Vehicle Code.

(Added by Stats. 1959, Ch. 495, and by Stats. 1962 (1st Ex. Sess.), Ch. 59.)

18907. The members of the commission shall serve without compensation. Members of the commission who are not state officers shall be paid actual necessary travel expenses.

(Added by Stats. 1953, Ch. 1500; amended by Stats. 1959, Ch. 495. In effect May 22, 1959.)

18908. The State Building Standards Code and all amendments and publications relating thereto shall be published in suitable looseleaf form and shall be made available to the pub-

lie at a reasonable price. It shall be the duty of each state department concerned and of each city or county to have an up-to-date copy of the code available for public inspection. The code and its amendments shall be published by the Division of Administrative Procedure after approval by the commission.

(Added by Stats. 1953, Ch. 1500; amended by Stats. 1959, Ch. 495. In effect May 22, 1959.)

18909. The commission shall biennially submit a report of its activities, together with recommendations for legislation, to the Governor and the Legislature.

(Added by Stats. 1953, Ch. 1500.)

18910. All meetings of the commission shall be open and public.

(Added by Stats. 1957, Ch. 2220.)

18911. All records of the commission shall be open to inspection by the public during regular office hours.

(Added by Stats. 1957, Ch. 2220.)

PART 3. MISCELLANEOUS

CHAPTER 1. SCOPE AND APPLICATION

19000. Any provision in this part which is inconsistent with any provision in the State Housing Law, or any rule or regulation promulgated pursuant thereto, is inapplicable to buildings subject to that law.

(Amended by Stats. 1961, Ch. 1844.)

CHAPTER 2. EARTHQUAKE PROTECTION

Article 1. Scope and Application

19100. This chapter does not apply to any of the following buildings:

(a) Any building not intended primarily for occupancy by human beings and located entirely outside the limits of a city or city and county.

(b) Any building designed and constructed for use exclusively as a dwelling by not more than two families and located entirely outside the limits of a city or city and county.

(c) Any building designed and constructed primarily for use in housing poultry, livestock, hay, grain, or farm machinery and supplies, and located wholly or in part within the limits of a city or city and county.

(d) Any building under construction on and prior to May 26, 1933.

(e) Any building in an unincorporated area and used for human habitation and of wood frame construction and not more than two stories in height, in which the span between bearing walls does not exceed twenty-four feet (24'), no room in which contains an area of more than one thousand square

feet (1,000 sq. ft.), and which is located in a labor camp as defined in Section 2410 of the Labor Code.

(Amended by Stats. 1955, Ch. 1491.)

19101. Any city, city and county, or county may establish by ordinance construction standards higher than those established by this chapter.

Article 2. Enforcement

19120. The building department of every city and city and county shall enforce this chapter within the city or city and county.

“Building department” means the department, bureau, or officer charged with the enforcement of laws or ordinances regulating the erection, construction, or alteration of buildings.

19121. The department, officer, or officers of a county who are charged with the enforcement of ordinances or laws regulating the erection, construction, or alteration of buildings shall enforce this chapter within the county but outside the territorial limits of any city.

19122. Any city or county may, by ordinance, designate any department or officer, other than a department or officer mentioned in this chapter, to enforce all or any part of this chapter.

19123. In any city where there is no department or officer charged with or designated for the enforcement of this chapter, the appropriate department, officer, or officers of the county in which such city is located shall enforce this chapter.

In any county where there is no department or officer charged with or designated for the enforcement of this chapter, this chapter shall be enforced by the county engineer, if there is a county engineer, and if not, then by the county surveyor.

(Added by Stats. 1941, Ch. 301.)

19124. The Division of Housing in the Department of Industrial Relations may enforce any provision of this chapter which it finds is being violated in a building hereafter constructed, after it has given the enforcement agency written notice of the violation and the enforcement agency has failed to secure correction of the violation within the following 10 days. In such cases where the division processes applications for building permits the fees prescribed in this chapter shall be payable to the division.

(Added by Stats. 1955, Ch. 1775.)

Article 2a. Building Permits

(Article 2a added by Stats. 1941, Ch. 1097)

19130. No person shall construct a building subject to this chapter unless he has obtained a written permit for that purpose from the appropriate enforcement agency.

(Added by Stats. 1941, Ch. 301.)

19131. Any person desiring a permit shall file an application therefor with the appropriate enforcement agency, which application shall contain:

- (a) The name and address of the applicant.
- (b) A detailed written statement of the work to be done.
(Added by Stats. 1941, Ch. 301.)

19132. The applicant shall file with his application:

- (a) A complete set of the plans of the work proposed.
- (b) A set of specifications describing the materials to be used in the work.
- (c) The fee prescribed for filing an application for a building permit.

(Added by Stats. 1941, Ch. 301; amended by Stats. 1945, Ch. 1147.)

19132.3. The following are the fees which shall be paid on filing an application for a permit:

(a) If the work to be done will not exceed fifty dollars (\$50) in cost, no fee is required.

(b) If the work to be done will exceed fifty dollars (\$50) in cost, the fee is two dollars (\$2) if the cost does not exceed one thousand one dollars (\$1,001), and an additional two dollars (\$2) for each additional one thousand dollars (\$1,000) or fraction thereof in excess of one thousand one dollars (\$1,001) to and including fifteen thousand dollars (\$15,000).

(c) If the work to be done will exceed fifteen thousand dollars (\$15,000) in cost, the fee is thirty dollars (\$30), and an additional one dollar (\$1) for each additional one thousand dollars (\$1,000) or fraction thereof in excess of fifteen thousand dollars (\$15,000) to and including fifty thousand dollars (\$50,000).

(d) If the work to be done will exceed fifty thousand dollars (\$50,000) in cost, the fee is sixty-five dollars (\$65) and an additional fifty cents (\$0.50) for each additional one thousand dollars (\$1,000) or fraction thereof in excess of fifty thousand dollars (\$50,000).

Whenever the governing body of any city or county determines that the expenses of the enforcement agency subject to its jurisdiction incurred in the issuing of permits, including examining the applications, plans, and specifications filed with the enforcing agency, are not met by the fees prescribed in this section, such governing body may adopt an ordinance prescribing such fees for filing applications as will pay the expenses of the enforcement agency incurred in issuing permits pursuant to this chapter.

(Added by Stats. 1945, Ch. 1147.)

19132.5. Where work for which a permit is required by this chapter is started or proceeded with prior to the obtaining of such permit, the fees prescribed in Section 19132.3 shall be doubled. The payment of such double fee does not relieve any person from fully complying with the requirements of this chapter in the execution of the work.

(Added by Stats. 1945, Ch. 1147.)

19132.7. The enforcement agency shall determine the cost of the work to be done for which the applicant desires a permit, and shall be guided by approved estimating practices. The enforcement agency shall keep a permanent account of all fees received under this chapter, the names of the persons upon whose account the same were paid, the date and the amount thereof, and the location of the building or premises to which they relate. All fees received shall be paid into the treasury of the city or county.

(Added by Stats. 1945, Ch. 1147.)

19132.9. The United States, the State of California, school districts, counties and cities shall not be required to pay a fee for filing an application for a building permit pursuant to this chapter.

(Added by Stats. 1945, Ch. 1147.)

19133. The enforcement agency shall examine the application, plans, and specifications filed with it by an applicant, and if it appears that the work to be done will not result in a violation of this chapter, shall approve them and issue a permit to the applicant.

(Added by Stats. 1941, Ch. 301.)

19134. The enforcement agency may approve changes in any application, plans, or specifications previously approved by it.

(Added by Stats. 1941, Ch. 301.)

19135. The enforcement agency may revoke any permit if the permittee refuses, fails, or neglects to comply with any provision of this chapter, or if it finds that any false statement or misrepresentation was made in the application, plans, or specifications filed by the permittee.

(Added by Stats. 1941, Ch. 301.)

19136. The work authorized by a permit shall be performed only in accordance with the application, plans, and specifications filed by the permittee.

(Added by Stats. 1941, Ch. 301.)

19137. The issuance of a permit does not constitute approval of any violation of any provision of this chapter.

(Added by Stats. 1941, Ch. 301.)

19138. In any case where a building subject to this chapter is also subject to any permit provisions of the rules and regulations promulgated pursuant to the provision of the State Housing Law, it shall not be necessary to make duplicate filings of plans and specifications hereunder, to include in the application a detailed statement of the work to be done, nor shall it be necessary to pay a fee for filing an application for a building permit under this chapter if a fee is prescribed by local ordinance for a permit under the State Housing Law. In such cases, the application hereunder may contain a general statement of the work to be done, with a specific reference to

the application, plans, and specifications filed under the State Housing Law.

(Added by Stats. 1941, Ch. 301; amended by Stats. 1945, Ch. 1147, and by Stats. 1961, Ch. 1844.)

Article 3. Design and Construction

19150. Every building of any character, except a building to which this chapter does not apply, constructed in any part of this State shall be designed and constructed to resist and withstand horizontal forces from any direction of not less than either of the following, whichever is the greater:

(a) Two percent of the total vertical design load for buildings over 40 feet in height from the top of their foundations, and three percent (3%) of the total vertical design load for buildings less than 40 feet in height from the top of their foundations.

(b) Twenty pounds per square foot of wind pressure on the vertical projection of the exposed surface of every portion of the building more than 60 feet in height, and 15 pounds per square foot of wind pressure on the vertical projection of the exposed surface of every portion of the building 60 feet or less in height.

(Amended by Stats. 1941, Ch. 1065, and by Stats. 1953, Ch. 1766.)

19151. In computing the resistance of any building to horizontal forces, the stresses resulting from the combined vertical and horizontal forces shall not exceed $1\frac{1}{3}$ times the allowable working stresses.

“Allowable working stresses” means stresses specified by:

(a) An ordinance of the locality in which the building is situated.

(b) The Department of General Services for the locality in which the building is situated, if the locality has no ordinance on the subject.

(Amended by Stats. 1963, Ch. 1786. Operative October 1, 1963.)

NOTE: Stats. 1963, Ch. 1786 also contained the following provision:

SEC. 82. This act shall become operative on October 1, 1963.

Article 4. Violations

19170. Any person who violates, or causes or permits another person to violate, any provision of this chapter is guilty of a misdemeanor.

(Amended by Stats. 1941, Ch. 301.)

CHAPTER 3. AIR SPACE IN SLEEPING ROOMS

19300. Every room used for sleeping purposes in any building or structure within any city shall contain at least 500 cubic feet of air space for each occupant. If any such room contains less air space, any owner, lessor, lessee, landlord, tenant, or occupant of the room is guilty of a misdemeanor.

CHAPTER 4. HOTEL BEDDING AND SANITATION

Article 1. Definitions

19400. "Hotel," as used in this chapter, includes a lodging house, rooming house, or other building or structure maintained, advertised, or held out to the public as a place where sleeping or rooming accommodations are furnished to the whole or any part of the public, whether with or without meals.

19401. "Bedding," as used in this chapter, includes bedclothes, bedcovering, mattresses, quilts, blankets, sheets, pillows, pillow slips, and comforters.

Article 2. Enforcement

19420. The State Department of Public Health and the local health officers shall enforce this chapter.

Article 3. Bedding

19440. Every bed used in any hotel shall be provided with a sufficient supply of bedding.

19441. Clean sheets and pillow slips shall be supplied for each bed in an hotel at least as often as the bed is assigned to a different person.

19442. Sheets on single beds in an hotel shall be at least 50 inches wide and 98 inches long. Sheets on all other beds in an hotel shall be at least 81 inches wide and 98 inches long.

19443. All bedding used in any hotel shall be kept clean, and shall be free from filth or dirt.

19444. Bedding which is worn out or unfit for use by human beings shall not be used in any hotel.

Article 4. Sanitation

19470. In every hotel in which there is a public washstand or washbowl, there shall be a sufficient supply of clean, individual towels for the use of, and visible and easily accessible to, persons who may use the washstand or washbowl.

19471. Every room used for sleeping purposes in any hotel shall be properly and sufficiently ventilated by means of a window, transom, or other device.

19472. Any room in any hotel which is infected with bedbugs or other vermin shall be fumigated, disinfected, and renovated until the bedbugs or other vermin are exterminated.

19473. The walls, floor, ceiling, doors, and other portions of every room used for sleeping purposes in any hotel shall be kept free from dirt or filth.

Article 5. Violations

19500. Every owner, lessee, manager, or person in charge of any hotel who violates, or permits a violation of, this chapter is guilty of a misdemeanor punishable by a fine of not

more than two hundred dollars (\$200) or imprisonment for not more than three months.

He is guilty of a separate offense for each day that he commits or permits a violation.

CHAPTER 5. GAS ILLUMINATION IN RENTED ROOMS

19600. Unless the exit orifices on the gas fixtures in the building are connected with a practical and safe automatic gas igniter, every keeper of an hotel, lodging house, or other building or structure containing rooms rented to lodgers, in which illuminating gas is used, who turns off, or causes the turning off of, the flow of the gas at the meter during the time that any room is in use is guilty of a misdemeanor.

CHAPTER 6. EXIT AND STAIRWAY SIGNS IN HOTELS, ETC.

19700. The owner, lessee, manager or other person in control or in charge of any hotel, lodging house, or rooming house shall place and maintain in conspicuous places in the halls of the building signs directing the way to exits and stairways. He shall also post notices in a conspicuous place in each room giving location of and direction to nearest fire escape or other safety exit.

(Amended by Stats. 1947, Ch. 110.)

19702. Any person who violates this chapter is guilty of a misdemeanor punishable by a fine not exceeding one hundred dollars (\$100), or by imprisonment not exceeding three months, or by both.

CHAPTER 7. REFRIGERANTS AND REFRIGERATION PLANTS

(Chapter 7 added by Stats. 1941, Ch. 987)

19800. Refrigeration manufacturers shall hereafter on each mechanical refrigerator and refrigeration plant which they manufacture and installation companies shall on each refrigeration plant which they install place a label designating the type of refrigerant the unit uses and, if the refrigerator has a refrigerating unit which contains more than 20 pounds of refrigerant and is of a type which can not readily be transported without disconnecting the piping or other part thereof containing refrigerant, shall label the control and diffusion valves of the unit, if any, so that any person in case of emergency will be able to turn off or shut down the plant or refrigerator quickly and expeditiously. Each violation of this section is a misdemeanor.

(Added by Stats. 1941, Ch. 987.)

CHAPTER 8. INFLAMMABLE OR EXPLOSIVE MATERIALS

(Chapter 8 added by Stats. 1945, Ch. 20)

19810. (a) "Article" as used in this chapter means and includes any article of wearing apparel, cloth, drapery or other

fabric or material made from or containing any natural or synthetic fiber.

(b) "Vendor" as used in this chapter means any individual, firm or corporation engaged in the manufacture for sale or the sale of articles as herein defined.

(c) "Inflammable article" as used in this chapter is any article made from or containing natural or synthetic fiber and determined by the Fire Marshal to be so highly inflammable as to constitute a dangerous risk of fire and hazard of injury to persons and property, taking into consideration the use or uses for which the article is made and designed to serve.

(d) It has recently come to notice that of the various natural or synthetic fibers adapted and adaptable for use in the making of articles, as herein defined, some are so inflammable as to constitute a dangerous risk of fire and hazard of injury to persons and property. Provision should be made for the avoidance of such risks and hazards by preventing the use of such highly inflammable fibers. It is not feasible by statute to prescribe more specific tests than those herein prescribed, for it would appear that none such have yet been fully developed. It is necessary, therefore, to commit to the State Fire Marshal the conduct of research in these matters, the development of tests for these materials, and the administration of the provisions of this chapter for the prevention of the risks and the avoidance of the hazards described.

(Added by Stats. 1945, Ch. 20; repealed and added by Stats. 1945, Ch. 728; amended by Stats. 1947, Ch. 793.)

19811. The Fire Marshal of the State of California or any Deputy State Fire Marshal has right of access to the premises of any vendor during business hours for the purpose of determining whether inflammable articles are being manufactured or offered for sale therein and may take either an entire article or samples thereof in such quantities as may be necessary for analysis.

(Added by Stats. 1945, Ch. 20; repealed and added by Stats. 1945, Ch. 728.)

19812. Any article or samples taken under the provisions of Section 19811 hereof shall be subjected to tests by the Fire Marshal and determination made by him as to whether or not the article or samples are inflammable articles as defined in Section 19810.

(Added by Stats. 1945, Ch. 728.)

19813. The State Fire Marshal may make such rules and regulations relating to inflammable articles as defined in Section 19810 as may reasonably be necessary to effectuate the purposes of this act and prevent the risk of fire and avoid the hazards of injury to life and property in this chapter described. He shall mail copies of all rules and regulations and amendments thereto to all vendors and trade associations filing a written request for such notification with him.

(Added by Stats. 1945, Ch. 728.)

19814. Any inflammable article in the possession of any vendor in violation of the rules or regulations of the State Fire Marshal shall be subject to seizure by the State Fire Marshal or any Deputy State Fire Marshal. Any inflammable article seized under this section may be disposed of by the State Fire Marshal by summary destruction at any time subsequent to 30 days from such seizure or 10 days from the final termination of proceedings under the provision of Section 19815, whichever is the later.

(Added by Stats. 1945, Ch. 728.)

19815. Any vendor whose property is seized under the provisions of Section 19814 may within 10 days after such seizure petition the State Fire Marshal to return the property seized upon the ground that such property was illegally or erroneously seized. Any petition filed hereunder shall be considered by the State Fire Marshal within 60 days after filing and an oral hearing granted the petitioner if requested. Notice of the decision of the Fire Marshal shall be served upon the petitioner. The Fire Marshal may order the property seized under this act disposed of or returned to the petitioner if illegally or erroneously seized. The determination of the Fire Marshal is final unless within 60 days an action is commenced in a court of competent jurisdiction in the State of California for the recovery of the property seized by the Fire Marshal.

(Added by Stats. 1945, Ch. 728.)

19816. Any vendor who knowingly and wilfully violates any rule or regulation of the Fire Marshal relating to inflammable articles shall be guilty of a misdemeanor.

(Added by Stats. 1945, Ch. 728.)

NOTE: Stats. 1945, Ch. 728, also contained the following provision:

SEC. 9. If any section, subsection, clause, sentence or phrase of this act which is reasonably separable from the remaining portions of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portions of this act, irrespective of the fact that any such section, subsection, clause, sentence or phrase of this act be declared unconstitutional.

CHAPTER 9. LOCAL BUILDING REGULATIONS

(Chapter 9 added by Stats. 1951, Ch. 1285)

19825. (a) The provisions of Part 1.5 (commencing with Section 17910) of this division and of Chapter 1 (commencing with Section 19000), Chapter 2 (commencing with Section 19100), and Chapter 3 (commencing with Section 19300) of Part 3 of this division shall not apply within any city having and enforcing a local ordinance prescribing minimum standards equal to or greater than such provisions of this division; such local ordinance shall supersede such provisions of this division.

(b) No provision of this chapter shall be construed to authorize a reduction in or exemption from the provisions of

Chapter 5 (commencing with Section 17960) of, or from any permit or certificate provisions of the rules and regulations promulgated pursuant to the provisions of, Part 1.5 (commencing with Section 17910) of this division or a reduction in the maintenance, sanitation or occupancy provisions of any rules and regulations promulgated pursuant to the provisions of Part 1.5 (commencing with Section 17910) of this division.

(c) The provisions of this chapter shall be effective only in a city where the legislative body determines that an ordinance described in subdivision (a) of this section is in force and effect and so notifies the state department presently charged with enforcement of the provision of this division if a state department be so charged.

(Added by Stats. 1951, Ch. 1285; amended by Stats. 1957, Ch. 1620. In effect July 8, 1957. Amended by Stats. 1961, Ch. 1844.)

19826. All of the provisions of this chapter apply to a county having and enforcing a local ordinance prescribing minimum standards equal to or greater than those provisions of Part 1.5 (commencing with Section 17910) of this division and the rules and regulations promulgated pursuant thereto and of Chapter 1 (commencing with Section 19000) and Chapter 2 (commencing with Section 19100) of Part 3 of this division which otherwise would apply to such county.

(Added by Stats. 1953, Ch. 1545; amended by Stats. 1961, Ch. 1844.)

19827. If a county ordinance as described in this chapter applies to only a portion of the unincorporated territory of such county, all of the provisions of this chapter shall apply to such portion of such unincorporated territory.

(Added by Stats. 1953, Ch. 1545.)

PART 4. HOUSING FOR THE ELDERLY

(Part 4 added by Stats. 1961, Ch. 2068)

19900. Notwithstanding any other statutory provision, no city, city and county, county, or other political subdivision of this State, including, but not limited to a chartered city, city and county, or county, shall require more than one building permit for a low-rent housing development for the elderly financed in whole or in part with federal or state funds or by means of a loan insured in whole or in part by the federal or state government. The fee for the permit shall not exceed the amount obtained by multiplying twenty-five dollars (\$25) by the number of one-story buildings contained in the development, provided that such buildings do not contain more than 10 dwelling units.

(Added by Stats. 1961, Ch. 2068.)

PART 5. FIXTURES IN HOUSING FOR THE ELDERLY

(Part 5 added by Stats. 1961, Ch. 668)

19950. Notwithstanding any other statutory provision, no state agency or city, city and county, county, or other political subdivision of this State, including, but not limited to, a chartered city, city and county, or county, shall prevent the use in any unit of a low cost housing development for the elderly financed in whole or in part with federal or state funds or by means of loans insured in whole or in part by the federal or state government of a stove, refrigerator, and sink which are combined in a single unit solely because they are so combined, if such unit meets the specifications set forth in Section 17702.

(Added by Stats. 1961, Ch. 668.)

DIVISION 14. POLICE PROTECTION

PART 1. POLICE PROTECTION DISTRICTS

CHAPTER 1. IN UNINCORPORATED TOWNS

Article 1. Definitions and General Provisions

20000. "District," as used in this chapter, means a police protection district formed pursuant to this chapter or pursuant to any law which it supersedes.

20001. "Board," as used in this chapter, means the board of supervisors of the county in which it is proposed to form a district, or in which a district has been formed.

20002. "District board," as used in this chapter, means the board of police commissioners of a district.

20003. "Commissioner," as used in this chapter, means a member of the district board.

20004. Any reference in this chapter to a county or county officer is a reference to the county or officer of the county in which a district is situated.

20005. No tax levied, assessed, or collected, and no election held, pursuant to this chapter is illegal, void, or voidable on account of any error, omission, or informality, or failure to comply strictly with this chapter.

20006. A "precinct area" as used in this chapter means, with respect to the proceedings for the formation of an unincorporated town as a police protection district, an election precinct or such portion thereof as is located within the boundary of such town at the time that the petition for the formation of that town as a police protection district is presented to the board.

(Added by Stats. 1949, Ch. 1524.)

20007. No district shall be created or organized pursuant to this chapter after October 1, 1959. The organization, existence, or powers of any district heretofore created by, or or-

ganized pursuant to, this chapter shall continue to exist and any such district may exercise any of the powers conferred upon it by this chapter.

(Added by Stats. 1959, Ch. 1166.)

Article 2. Petition and Formation

(Article heading amended by Stats. 1951, Ch. 896)

20025. Any unincorporated town may, pursuant to this article, be formed into a district to protect and safeguard life and property and may equip and maintain a police department, including purchasing and maintaining ambulances, and otherwise securing police protection.

(Amended by Stats. 1949, Ch. 1524, and by Stats. 1953, Ch. 1570.)

20026. Proceedings for the formation of a district are initiated whenever 50 or more persons who are taxpayers and residents of an unincorporated town present a petition to, and at a regular meeting of, the board of the county in which the town is situated.

The petition shall contain:

(a) A statement of the name and boundaries of the proposed district.

(b) A request for the formation of the district.

20027. The board shall fix a time and place for hearing the petition and all protests against it. The hearing shall be not less than 25 nor more than 30 days after the date of the presentation of the petition.

20028. At least seven days before the date set for the hearing, the clerk of the board shall post notices of the presentation and hearing of the petition in three of the most public places in the proposed district. The notices shall be headed, "Notice of the Proposed Formation of ----- Police Protection District" (stating the name of the proposed district), in letters not less than one inch in height. They shall set forth in legible characters:

(a) The fact and date of the presentation of the petition.

(b) The time and place set for hearing the petition and protests.

(c) The boundaries of the proposed district.

(d) A reference to the petition for further particulars.

20029. The clerk of the board shall also publish a notice, similar in substance to the notices required to be posted, at least once a week for two consecutive weeks in a newspaper of general circulation printed and published in the county in which the proposed district is situated and designated by the board. The publication during the second week shall be made at least seven days before the date set for the hearing.

20030. Any person interested in the proposed district who has any objection to its formation or extent, or to the inclusion of his property, may file a written protest setting forth his objection with the clerk of the board at or before the time set for hearing the petition.

The clerk shall note on each protest the date of its receipt by him, and shall present the protest to the board at the time fixed for the hearing.

20031. The board shall hear and pass upon the petition and every protest at the time fixed in the notices of hearing, or at any time to which the hearing may be continued.

20032. If any protest filed sets forth an objection to the extent of, or the inclusion of property in, the proposed district, the board at the hearing shall define and establish the boundaries. To that end, it may make such changes in the proposed boundaries of the district as it finds are proper and advisable. However, it shall not:

(a) Extend the proposed boundaries.

(b) Modify the proposed boundaries so as to exclude from the district any territory which will be substantially benefited by the district.

(c) Include any territory which will not, in its judgment, be benefited by the district.

(d) Include any precinct area when two-thirds of the persons who are registered voters therein petition the board to exclude that area.

(Amended by Stats. 1949, Ch. 1524.)

20032.1. In the event that two-thirds of the persons who are registered voters in one or more precinct areas within the proposed district, petition the board to exclude their precinct area or precinct areas pursuant to Section 20032, the board shall thereupon determine whether the remaining precinct areas in the proposed district would constitute a feasible unit for a district.

(a) If the board determines that the remaining precinct areas would constitute a feasible unit for a district, it shall proceed in accordance with this chapter.

(b) If the board determines that the remaining precinct areas would not constitute a feasible unit for a district, it may reject the formation petition and all proceedings thereupon shall be terminated.

(Added by Stats. 1949, Ch. 1524.)

20033. The board acquires jurisdiction to proceed further pursuant to this chapter at the time fixed for the hearing of the petition, if no protest is filed; or after the boundaries of the proposed district are defined and established, if a protest is filed.

20034. Within 30 days after acquiring jurisdiction to proceed further, the board shall by resolution call an election as provided in Article 2.5 of this chapter.

(Amended by Stats. 1951, Ch. 896.)

20035. (Repealed by Stats. 1951, Ch. 896.)

20036. The order establishing the district shall be entered in the minutes of the board and shall be prima facie evidence of:

(a) The presentation of a proper petition to the board.

(b) The fact that at the time he signed the petition and at the time of its presentation each petitioner was a taxpayer and resident of the territory occupied by the district.

(c) The fact and regularity of all prior proceedings required by this article.

(Amended by Stats. 1951, Ch. 896.)

20037. (Repealed by Stats. 1951, Ch. 896.)

Article 2.5. Election on Formation

(Article 2.5 added by Stats. 1951, Ch. 896)

20040. The board shall call and give notice of an election to be held in the proposed district to determine whether the district shall be formed, and to elect the commissioners who shall serve as the first district board.

(Added by Stats. 1951, Ch. 896.)

20041. The notice of the formation election shall contain:

(a) The date of the election.

(b) A description of the boundaries of the proposed district.

(c) The name of the proposed police protection district, which shall contain the words "Police Protection District of ----- County" (stating the name of the county in which the district is to be located).

(d) A statement that the commissioners who will serve as the first district board will be elected.

(Added by Stats. 1951, Ch. 896.)

20042. The county clerk shall publish the notice of election once a week for at least two weeks prior to the formation election, in a newspaper printed and published in the district, if any, and if none, shall give such notice by posting the notice in three public places within the district for at least three weeks immediately preceding the election.

(Added by Stats. 1951, Ch. 896.)

20043. At the formation election the first directors shall be elected and the following measure shall be submitted: "Shall the proposition to form ----- Police Protection District of ----- County be adopted?"

(Added by Stats. 1951, Ch. 896.)

20044. No person shall be a candidate for the district board unless he is a resident within the boundaries of the proposed district.

(Added by Stats. 1951, Ch. 896.)

20045. The election shall be conducted, candidates nominated, the votes canvassed, and the results declared as provided by the Elections Code for election of county officers, insofar as applicable and not inconsistent with this chapter. Each person voting at the formation election shall be entitled to cast three votes for candidates for members of the first district board. The three candidates receiving the highest number of votes shall be elected as the first district board if the district is formed.

(Added by Stats. 1951, Ch. 896.)

20046. If a majority of votes cast are in favor of forming the district, the board of supervisors shall by an order entered on its minutes declare the district formed under the name designated for it.

(Added by Stats. 1951, Ch. 896.)

20047. No person is entitled to vote on the question of formation of a district, or for the first board of commissioners, unless such person is a voter within the meaning of the Elections Code, and a resident within the boundaries of the proposed district.

(Added by Stats. 1951, Ch. 896.)

Article 2.6. Annexation

(Article 2.6 added by Stats. 1951, Ch. 896)

20050. Any territory which is not a part of another police protection district, and which is contiguous to an existing district in the same county, may be annexed to that district.

(Added by Stats. 1951, Ch. 896.)

20051. Proceedings for annexation of territory to a district shall be initiated by filing with the board a petition signed by at least 10 percent of the qualified electors residing in the territory proposed to be annexed. Such petition shall designate specifically the boundaries of the territory proposed to be annexed, state its assessed valuation as shown by the last equalized assessment roll, and request that the territory be annexed to the district.

(Added by Stats. 1951, Ch. 896.)

20052. The petition shall be published at least once each week for two weeks in a newspaper of general circulation within the county, together with a notice stating the time and place at which the petition will be presented to the board and that all persons interested may appear and be heard.

(Added by Stats. 1951, Ch. 896.)

20053. At the time specified for the hearing the board shall hear the petition and may adjourn the hearing from time to time. The board shall not modify the boundaries of the territory proposed to be annexed as set forth in the petition so as to exclude any area that would be benefited by annexation to the district, nor shall any area that will not be benefited by annexation be included within the boundaries of the territory proposed to be annexed.

(Added by Stats. 1951, Ch. 896.)

20054. Upon the final hearing of the petition the board, if it approves the petition as originally presented or in a modified form, shall make an order describing the exterior boundaries of the territory proposed to be annexed and ordering that an election be held for the purpose of determining whether or not the territory shall be annexed to the district.

(Added by Stats. 1951, Ch. 896.)

20055. The order shall fix the day of the election, which shall be within 60 days from the date of the order, and shall show the boundaries of the territory proposed to be annexed to

the district. This order shall be entered in the minutes and is conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was at the time of the signing and presentation of the petition qualified to sign.

(Added by Stats. 1951, Ch. 896.)

20056. If a majority of the votes in the district and a majority of the votes in the territory proposed to be annexed are in favor of annexation, the board shall by resolution make an order annexing the territory to the district. The order shall be entered in the minutes of the board and be prima facie evidence of regularity of all prior proceedings relating to the annexation.

(Added by Stats. 1951, Ch. 896.)

20057. If the result of the election is against annexation the board shall, by order, disapprove the petition and enter the order in its minutes. No other proceedings shall be taken in relation thereto until the expiration of one year from the presentation of the petition.

(Added by Stats. 1951, Ch. 896.)

Article 3. Administration

20060. A district shall be governed by a district board of three commissioners, each of whom shall be a resident of the district.

20061. Each of such commissioners shall hold office until his successor is elected and has qualified pursuant to this article.

(Amended by Stats. 1951, Ch. 896.)

20062. The commissioners first elected shall at their first meeting so classify themselves by lot that one of their number shall go out of office on the second Monday of April of the year next succeeding the election; one on the second Monday of April of the second year succeeding the election; and one on the second Monday of April of the third year succeeding the election.

(Amended by Stats. 1951, Ch. 896.)

20063. On the first Tuesday of April of the year next succeeding the first election, and on the first Tuesday of April annually thereafter, one commissioner shall be elected for a term commencing on the next succeeding Monday in the same month and terminating at the end of three years and when his successor is elected and has qualified.

(Amended by Stats. 1957, Ch. 1102.)

20063.1. If, on the fortieth day prior to the day fixed for the district general election, only one person has been nominated for each office of member of the board of directors to be filled at that election, or no one has been nominated for such office, and if on the thirtieth day prior to the day fixed for the election a petition signed by 5 percent of the qualified electors in the district, requesting that the district general election in the district be held, has not been presented to the board of directors of the district, said board of directors shall by resolution entered in their minutes order that an election

shall not be held, and shall immediately request that the board of supervisors of the county in which the district, or a greater portion thereof, is situated at a regular or special meeting held prior to the day fixed for the election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to the office prior to the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a district general election.

In such instances notices shall be posted in three public places in the district at least 10 days before the date fixed for the election, which notices shall state that no election is to be held and that the board of supervisors will appoint, or has appointed, a member or members of the board of directors to serve for the ensuing term.

(Added by Stats. 1953, Ch. 1889.)

20063.2. Notice that such appointment may be made in the event that only one or no nomination is made and no petition requesting an election is filed, shall be published in a newspaper of general circulation in the district, once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

(Added by Stats. 1961, Ch. 523.)

20064. Except as otherwise provided in this article, an election for a commissioner shall be conducted pursuant to the general election laws of the State.

20065. The district board shall call an election and shall post notices of the election in three public places within the district for at least two weeks before the day of the election.

(Amended by Stats. 1951, Ch. 896.)

20066. The district board shall appoint judges of election to conduct the election. Within 24 hours after the election, the judges of election shall report and certify to the district board the number of votes cast for each person voted for.

20067. Within five days after it receives the returns from the judges of the election, the district board shall canvass the returns, determine who has been elected, and forthwith issue a certificate of election to each person elected.

20068. A vacancy occurring in the office of an elected commissioner shall be filled by an appointment of the board.

20069. Every commissioner shall serve without compensation.

20070. The district board shall adopt all rules and regulations necessary for the administration, operation, and maintenance of the district.

20071. The district board shall determine the number of employees, if any, necessary for the proper care and protection of the life and property of residents in the district. It shall appoint all district employees and prescribe their duties and

compensation. All such employees shall hold their positions at the pleasure of the district board.

20071.5. The district may contract with a municipality within the county in which the district is located or with the county for the furnishing of police protection service by any police agency of the municipality or county.

(Added by Stats. 1949, Ch. 1524.)

20072. For the purpose of housing its police equipment and apparatus, and for housing its ambulances, the district board may acquire land and erect a police station; or acquire land on which a police station, or a building suitable for a police station, has been erected.

(Amended by Stats. 1953, Ch. 1570.)

20073. Before acquiring any real property for a police station, the district board may submit to the voters in the district at a special election, or at the annual election for a commissioner, the proposition whether or not land shall be acquired and a police station built thereon; or whether or not land on which a police station, or a building suitable for a police station, has been erected shall be acquired. The approval or disapproval of the voters shall be binding upon the district board.

20074. All real property for a police station acquired pursuant to this article shall be conveyed to and held in the name of the "Board of Police Commissioners of the Police Protection District -----" (naming the district).

20075. The district board may pay for any real property it acquires for a police station out of money derived from the annual district tax, or out of money derived from a special tax approved by the voters in the district at an election. The procedure and conduct of an election for the approval of a special tax shall conform to that specified in this chapter for the approval of a special tax for the establishment and equipment of a police department.

20076. The district board may dispose of any real property acquired for a police station. The disposition shall, however, be first approved by the voters in the district at an election, if the property was acquired pursuant to their approval at an election. The proceeds from the disposition shall be exclusively devoted to the purchase of other real property.

20077. The district board may make and award contracts and may sue and be sued in the name of the district.

20078. The district board shall keep a correct record of all its acts and proceedings, and of all its receipts and disbursements. For that purpose, it shall procure all necessary books and blanks.

The books of the district board shall be open to public inspection at all times.

20079. Each commissioner shall, at the expiration of his term of office, turn over to his successor all books and docu-

ments in his possession belonging to the district board and take a receipt therefor.

20080. All accounts, bills, and demands against the district shall be audited, allowed, and paid by the district board by warrants of the county auditor drawn on the county treasurer upon orders of the district board. The county treasurer shall honor the warrants in the order in which they are presented.

20081. In addition to the duties specified in this chapter, the district board shall perform such other duties as are proper and necessary to carry out this part.

Article 4. Taxation

20101. The district board shall call an election at which it shall submit to the voters in the district the question whether a special tax shall be levied for establishing and equipping a police department for the protection of life and property in the district.

20102. The election shall be called by posting notices in three of the most public places in the district for not less than 10 days; and if there is a newspaper printed and published in the district, by publishing a notice in at least two regular issues of the newspaper.

20103. The notice shall specify the time and place of the election, and the amount required for the establishment and equipment of the police department.

20104. The ballots used at the election shall contain the words "Tax—Yes," and "Tax—No."

20105. The district board shall appoint three judges and two clerks to conduct the election. The election shall be conducted as far as practicable pursuant to the general election law; but neither a new register nor legal ballot paper is required, and the polls may be opened at 8 o'clock a.m., and closed at 5 o'clock p.m. on the day of the election.

20106. Within twenty-four hours after the election, the judges of the election shall report and certify to the district board the number of votes cast for and against the tax.

20107. If the majority of the votes cast are in favor of the tax, the district board shall report to the board the amount of money authorized to be raised.

20108. The district board shall make an annual estimate of the amount of money required during the ensuing fiscal year for the maintenance of any police department established in the district, and for the cost of any other thing necessary for carrying out this part; and shall submit it to the board not later than the first day of July of each year.

20109. At the time of levying the county taxes, the board shall levy a tax upon all the taxable property in the district sufficient to raise any amount reported to it pursuant to this article by the district board. The rate of the tax shall be ascertained by first deducting 15 per cent for anticipated delinquencies from the aggregate assessed value of the property appearing on the county assessment roll, and then divid-

ing the amount reported by the remainder of the aggregate assessed value. The tax shall be computed and entered on the assessment roll by the county auditor and collected at the same time and in the same manner as county taxes.

20110. Any amount of money raised for the establishment and equipment of a police station in a district by a special tax levied pursuant to this article shall not exceed in any one year 1 per cent of the assessed value of the taxable property in the district.

20111. Any amount of money raised for the maintenance of a police department in a district by an annual tax levied pursuant to this article shall not exceed in any one year one-half of 1 per cent of the assessed value of the taxable property in the district.

20112. All money collected pursuant to this article shall be paid into the county treasury for the use of the district. The county treasurer shall pay it out on warrants of the county auditor drawn on the county treasurer upon orders of the district board.

20113. The county treasurer shall not receive any compensation for performing duties relating to the receipt and disbursement of money collected pursuant to this article.

Article 4.1 Claims

(Article 4.1 added by Stats. 1959, Ch. 1727)

20115. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727; amended by Stats. 1963, Ch. 1715. See note following Section 954.)

Article 4.5. Exclusion

(Article 4.5 added by Stats. 1949, Ch. 1524)

20120. The majority of the persons who are registered voters in a precinct area that is included in the district may file with the board a petition praying that the precinct area be excluded from the district.

(Added by Stats. 1949, Ch. 1524.)

20120.1. The petition shall be acknowledged.

(Added by Stats. 1949, Ch. 1524.)

20120.2. The petition shall set forth all of the following:

(a) The reasons why it is claimed that the precinct area should be excluded.

(b) A description of the precinct area.

(Added by Stats. 1949, Ch. 1524.)

20120.3. Upon receipt of a petition for exclusion, the board shall order the exclusion of the petitioning precinct area.

(Added by Stats. 1949, Ch. 1524.)

20121. When the board excludes any precinct area from a district, the board shall make an entry in its minutes describing the change so that the new boundary of the district can be ascertained.

(Added by Stats. 1949, Ch. 1524.)

20121.1. A certified copy of the entry in the minutes of the board excluding any precinct area shall be filed for records in the county recorder's office.

(Added by Stats. 1949, Ch. 1524.)

20121.2. No exclusion of a precinct area from any district impairs its existence, its rights, including those in or to property, or its obligations.

(Added by Stats. 1949, Ch. 1524.)

20121.3. If the precinct area excluded from any district embraces the property of a commissioner, the office of such commissioner shall be vacant at the expiration of 10 days from the final order of the board excluding the precinct area. The vacancy shall be filled by appointment by the board and the appointee shall hold office for the unexpired term of the commissioner whose office has been vacated.

(Added by Stats. 1949, Ch. 1524.)

20121.4. A precinct area excluded from a district shall be subject to taxation and be otherwise chargeable for the payment and discharge of all of the obligations outstanding at the time of the filing of the petition for the exclusion of the area as fully as though the area had not been excluded.

(Added by Stats. 1949, Ch. 1524.)

20121.5. For the purpose of discharging the obligations outstanding at the time of the filing of the petition for its exclusion, a precinct area excluded shall be considered as part of the district the same as though the area had not been excluded.

(Added by Stats. 1949, Ch. 1524.)

20121.6. An excluded precinct area is not subject to tax or otherwise chargeable for any obligation of any nature or kind incurred after the filing with the board of the petition for the exclusion of the precinct area from the district.

(Added by Stats. 1949, Ch. 1524.)

Article 5. Dissolution

20130. Any district may be dissolved by the board pursuant to this article.

20131. Proceedings for the dissolution of a district are initiated whenever a petition requesting dissolution and signed by fifty or more persons who are registered voters in the district, or by a majority of persons who are registered voters in the district, whichever number is the lesser, is filed with the board.

(Amended by Stats. 1949, Ch. 1524.)

20132. The board shall fix a time for hearing the petition on a date not less than 10 nor more than 30 days after the receipt of the petition.

20133. The board shall publish a notice of the hearing at least a week prior to the time fixed therefor by one insertion in a newspaper of general circulation published in the district; or in a newspaper published in the county in which the district is located, if there is no newspaper published in the district.

20134. At the time fixed for the hearing, or at any time to which the hearing may be continued, the board shall hear and pass upon the petition and all objections to it made by persons interested. The board shall either deny the petition, or adopt a resolution calling an election upon the proposition of dissolving the district.

20135. A resolution calling a dissolution election shall:

(a) Specify the date of the election, which shall be held not less than 20 days after the adoption of the resolution.

(b) Designate one or more election precincts within the district.

(c) Designate a polling place in each precinct.

(d) Designate the names of one judge, one inspector, and one clerk for each precinct, to act as election officers.

20136. In any particular not recited in the resolution, the election shall be held pursuant to the law governing the holding of general elections in the county.

20137. The resolution shall be published once a week for two successive weeks prior to the date set for the election in a newspaper of general circulation published in the district; or if there is no newspaper published in the district, in a newspaper published in the county in which the district is located and considered by the board to be the one most likely to give notice of the election to the voters. The resolution shall also be posted in three of the most public places in the district at least 10 days prior to the date set for the election.

The only notice of the election required is that specified in this section.

20138. The ballots used at the election shall state in substance the following proposition:

"Shall the ----- Police Protection District in ----- County be Dissolved?" (stating the name of the district and the name of the county in which it is located).

Opposite the stated proposition shall be printed the words "Yes" and "No," together with voting squares.

20139. Any resident of the district entitled to vote at a general election may vote at the election on the proposition of dissolution.

20140. If a majority of the votes cast at the election are in favor of dissolution, the board shall enter a finding to that effect upon its minutes, and thereafter the district is dissolved.

20141. Upon the dissolution of a district any property of the district then lying within any city vests absolutely in that city; and any property then lying outside a city vests absolutely in the county.

20142. The funds of a district on hand at the time of dissolution shall be divided between each city in which the property of the district then lies and the county, in the proportion that the total assessed value of the real property of the district in each city and of the real property outside a city bears to the total assessed value of all the real property in the district. The assessed value of the property shall be determined by a reference to the last equalized assessment roll of the county prior to the dissolution.

20143. The property and funds reverting to a county pursuant to this article shall be used for general police protection purposes in the county.

20144. The board of supervisors is, ex officio, the governing body of the former district and, to the extent necessary to terminate the district affairs, may exercise any of the powers of the former district.

(Added by Stats. 1959, Ch. 1166.)

CHAPTER 2. IN UNINCORPORATED TERRITORY

Article 1. Definitions

20300. "District," as used in this chapter, means a police protection district formed pursuant to this chapter or pursuant to any law which it supersedes.

20301. "Board," as used in this chapter, means the board of supervisors of the county in which it is proposed to form a district, or in which a district has been formed.

20302. No district shall be created or organized pursuant to this chapter after October 1, 1959. The organization, existence, or powers of any district heretofore created by, or organized pursuant to, this chapter shall continue to exist and any such district may exercise any of the powers conferred upon it by this chapter.

(Added by Stats. 1959, Ch. 1166.)

Article 2. Formation

20310. Any unincorporated territory may, pursuant to this article, be formed into a district for equipping and maintaining a police department to protect and safeguard life and property.

20311. Proceedings for the formation of a district are initiated whenever 51 per cent or more of the persons who are taxpayers and residents of unincorporated territory present a petition to, and at a regular meeting of, the board of the county in which the territory is situated.

The petition shall contain:

(a) A statement of the name and boundaries of the proposed district.

(b) A request for the formation of the district.

20312. The board shall fix a time for hearing the petition and all protests against it. The hearing shall be not less than 25 nor more than 30 days after the date of the presentation of the petition.

20313. The clerk of the board shall post notices of the hearing in three public places in the proposed district. The notices shall set forth:

(a) The fact that a petition requesting the formation of a district has been presented.

(b) The proposed name and the boundaries of the district.

20314. A notice, similar to the notices required to be posted, shall be published at least once a week for two consecutive weeks in a newspaper of general circulation published in the county in which the proposed district is situated.

20315. At the hearing any person interested in the proposed district may file a written protest against its formation or extent, or against the inclusion of his property in the district.

20316. The board may make such changes in the proposed boundaries of the district as it finds are advisable. However, it shall not:

(a) Extend the proposed boundaries.

(b) Modify the proposed boundaries so as to exclude from the district any territory which will be benefited by the district.

(c) Include any territory which will not be benefited by the district.

20317. If, at the hearing, the board determines that the formation of the proposed district will be for the best interests of the unincorporated territory concerned, it shall form the district by a resolution describing its boundaries and giving it a name.

Article 3. Administration and Taxation

20330. The members of the board are ex officio directors of the district.

20331. The board may perform all acts necessary to provide adequate police protection in the district.

20332. The board may levy a tax on property in the district sufficient to raise a sum not in excess of three thousand six hundred dollars (\$3,600) per annum. The tax shall be levied and collected in the same manner and by the same officers as in the case of county general property taxes.

(Amended by Stats. 1945, Ch. 1091.)

Article 4. Withdrawal of Territory

(Article 4 added by Stats. 1953, Ch. 1848)

20340. Any portion of a district which will not be benefited by remaining within the district may be withdrawn from the district.

(Added by Stats. 1953, Ch. 1848.)

20341. Fifty or more freeholders within the portion desired to be withdrawn from the district, or a majority of such freeholders, if there are less than 100 freeholders within the portion sought to be withdrawn, may file a petition with the board of supervisors requesting the withdrawal of the portion from the district on the ground that it will not be benefited by remaining in the district.

(Added by Stats. 1953, Ch. 1848.)

20342. The board of supervisors shall fix a time for hearing the petition and for hearing protests to the continuance of the remaining territory as a district. The time for hearing shall not be less than 10 nor more than 30 days after the receipt of the petition.

(Added by Stats. 1953, Ch. 1848.)

20343. The board shall, at least a week prior to the time so fixed, publish a notice of hearing pursuant to Section 6061 of the Government Code in a newspaper circulated in the district, which the board deems most likely to give notice to its inhabitants of the proposed withdrawal.

(Added by Stats. 1953, Ch. 1848; amended by Stats. 1957, Ch. 357.)

20344. The notice shall also be posted in three public places in the district, one of which shall be within the portion of the district desired to be withdrawn, at least one week prior to the time fixed for hearing.

(Added by Stats. 1953, Ch. 1848.)

20345. Any person interested may appear at the hearing and object to the withdrawal of the portion from the district, or to the continuance of the remaining territory as a district.

(Added by Stats. 1953, Ch. 1848.)

20346. The board shall consider and pass upon the objections, and if it finds that the portion of the district sought to be withdrawn will not be benefited by remaining in the district, and that the territory not sought to be withdrawn will be benefited by continuing as a district, it shall grant the petition.

(Added by Stats. 1953, Ch. 1848.)

20347. Upon the withdrawal of any territory from a district all property acquired for the district shall remain vested in the county and be used for the purposes of the district.

(Added by Stats. 1953, Ch. 1848.)

20348. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion shall be deemed withdrawn from the district.

(Added by Stats. 1953, Ch. 1848.)

20349. Any portion of a district which is withdrawn from the district shall, nevertheless, be subject to taxation and be otherwise chargeable for the payment and discharge of all of the obligations of the district outstanding at the time of the filing of the petition for the exclusion of the area, as fully as though that portion had not been withdrawn.

(Added by Stats. 1953, Ch. 1848.)

Article 5. Dissolution

(Article 5 added by Stats. 1959, Ch. 1166)

20350. Any district may be dissolved by the board in the same manner as is prescribed by Article 5 (commencing at Section 20130) of Chapter 1 for the dissolution of a district formed under that chapter.

(Added by Stats. 1959, Ch. 1166.)

20351. Upon the dissolution of a district, all its property shall revert to the county in which the district is located and shall be used for general police protection purposes in the county.

(Added by Stats. 1959, Ch. 1166.)

20352. The board of supervisors is, *ex officio*, the governing body of the former district and, to the extent necessary to terminate district affairs, may exercise any of the powers of the former district.

(Added by Stats. 1959, Ch. 1166.)

PART 2

(Part 2, comprising Section 20500, repealed by Stats. 1959, Ch. 831)

DIVISION 15

(Division 15, comprising Sections 20700 to 20808, repealed by Stats. 1955, Ch. 550)

NOTE: Division 15, comprising Sections 20700 to 20808, added by Stats. 1947, Ch. 199, as part of codification; amended by Stats. 1947, Ch. 1141, by Stats. 1949, Ch. 1195, and by Stats. 1951, Ch. 425; repealed by Stats. 1955, Ch. 550.

DIVISION 16

(Division 16, comprising Sections 21000 to 21409, repealed by Stats. 1957, Ch. 205. See note following Section 112)

NOTE: Division 16, Part 1, comprising Sections 21000 to 21386, added as Division 15 by Stats. 1947, Ch. 765; heading renumbered by Stats. 1949, Ch. 441; repealed by Stats. 1957, Ch. 205. Part 2, comprising Sections 21400 to 21409, added by Stats. 1947, Ch. 705; repealed by Stats. 1957, Ch. 205. See note following Section 112.

DIVISION 20. MISCELLANEOUS HEALTH AND SAFETY PROVISIONS**CHAPTER 1. HEALTH AND SAFETY OF BATHERS****Article 1. Life Saving Devices**

24000. "Resort," as used in this article, means a resort, bathhouse, or other public place for the purpose of accommodating bathers, bordering upon or adjoining the seacoast or a lake where the public resort for the purpose of bathing in the open sea or lake.

24001. No person shall own or conduct a resort unless it is equipped with at least one lifeboat.

24002. The boat shall be fully equipped with oars, oarlocks, and not less than two life preservers, and 200 feet of rope.

It shall be kept in good repair and near the resort.

24003. The boat shall have the word "lifeboat" plainly printed or painted upon it. It shall be used for no purpose other than for the saving of life or for other cases of emergency.

24004. Every person who violates any provision of this article is guilty of a misdemeanor punishable by a fine of not less than 10 nor more than two hundred dollars (\$200), or by imprisonment for not less than 10 days nor more than six months, or by both.

Article 2. Swimming Pool Markers

24050. "Resort," as used in this article, means any public bathing or swimming place or resort on a river or stream.

24051. No person shall maintain a resort unless he carefully sounds the depth of water and locates the eddies and pools and determines the presence and nature of dangerous currents, sunken logs, rocks, and obstructions in the stream or river.

24052. No person shall maintain a resort unless signs indicating in plain letters the depth of water, the location of pools or eddies, and the presence and direction of currents of water are placed and maintained in the water during the season when bathing and swimming are permitted or invited.

24053. No person shall maintain a resort unless safety ropes are stretched wherever necessary to show the line of eddies, pools, sunken obstructions, and other hidden dangers to bathers in the water.

24054. Every person who violates any provision of this article is guilty of a misdemeanor.

Article 3. Swimming Pool Sanitation

24100. "Public swimming pool," as used in this article, means any public swimming pool, bathhouse, public swimming and bathing place and all related appurtenances.

24100.1. "Lifeguard service," as used in this article, means the attendance, at all times that persons are permitted to engage in water-contact sports, of one or more lifeguards who hold Red Cross or Y. M. C. A. senior lifeguard certificates or have equivalent qualifications and who have no duties to perform other than to superintend the safety of participants in water-contact sports.

(Added by Stats. 1959, Ch. 661.)

24101. The State Department of Public Health has supervision of sanitation, healthfulness, and safety of public swimming pools.

24101.1. Every person proposing to construct a public swimming pool shall file a copy of the plans therefor, prior to construction, with the local health officer having jurisdiction for approval.

(Added by Stats. 1959, Ch. 661.)

24101.2. Every person operating or maintaining a public swimming pool must do so in a sanitary, healthful and safe manner.

(Added by Stats. 1959, Ch. 661.)

24101.3. Every public swimming pool, including swimming pool structure, appurtenances, operation, source of water supply, amount and quality of water recirculated and in the pool, method of water purification, lifesaving apparatus, measures to insure safety of bathers, and measures to insure personal cleanliness of bathers shall be such that the public swimming pool is at all times sanitary, healthful and safe.

(Added by Stats. 1959, Ch. 661.)

24101.4. Lifeguard service shall be provided for any public swimming pool which is of wholly artificial construction and for the use of which a direct fee is charged. For all other swimming pools, lifeguard service shall be provided or signs shall be erected clearly indicating that such service is not provided.

(Added by Stats. 1959, Ch. 661.)

24102. The state department shall make and enforce such rules and regulations pertaining to public swimming pools as it deems proper; provided, that no rule or regulation as to design or construction of pools shall apply to any pool which has been constructed before the adoption of such rule or regulation, if such pool as constructed is reasonably safe and the manner of such construction does not preclude compliance with the requirements of such rules and regulations as to bacteriological and chemical quality and clarity of the water in such pool.

(Amended by Stats. 1961, Ch. 32.)

24103. Every health officer shall enforce the rules and regulations in his jurisdiction.

24104. For the purposes of this article, any health officer, or any inspector of the State department, may at all reasonable times enter all parts of the premises of a public swimming pool to make examination and investigation to determine the sanitary condition and whether this article or the rules and regulations are being violated.

24105. The State department may publish the reports of inspections.

24106. Any public swimming pool constructed, operated, or maintained contrary to the provisions of this article is a public nuisance, dangerous to health.

24107. Any nuisance maintained in violation of this article may be abated or enjoined in an action brought by a local health officer, or the state department, or it may be summarily

abated in the manner provided by law for the summary abatement of other public nuisances dangerous to health.

(Amended by Stats. 1959, Ch. 661.)

24108. Every person who violates any provision of this article, or the rules and regulations adopted pursuant thereto, is guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment for not more than six months, or both.

(Amended by Stats. 1959, Ch. 661.)

24109. Each day that a violation of this article continues is a separate offense.

Article 4. Ocean Water-contact Sports

(Article 4 repealed by Stats. 1949, Ch. 566; added by Stats. 1957, Ch. 604)

24150. (Repealed by Stats. 1949, Ch. 566.)

24151. (Repealed by Stats. 1949, Ch. 566.)

24155. As used in this article, water-contact sport means any sport in which the body of a person comes into physical contact with water, including but not limited to swimming, surfboarding, paddleboarding, skin diving, and water-skiing. It does not include boating or fishing.

(Added by Stats. 1957, Ch. 604.)

24156. The State Department of Public Health has supervision of sanitation, healthfulness, and safety of the public beaches and public water-contact sport areas of the ocean waters and bays of the State and the department may make and enforce such rules and regulations pertaining thereto as it deems proper.

(Added by Stats. 1957, Ch. 604.)

24157. Rules and regulations made pursuant to this article shall include suitable standards of safe bacteria count for water-contact sports areas specified by the State Water Pollution Control Board or regional water pollution control boards, which standards shall be applied to all public water-contact sport areas of the ocean waters and bays of the State.

(Added by Stats. 1957, Ch. 604.)

24158. Every person who violates any rule or regulation adopted pursuant to the provision of this article is guilty of a misdemeanor.

(Added by Stats. 1957, Ch. 604.)

24159. Nothing contained in this article shall be construed to give the State Department of Public Health the authority to fix the areas wherein water-contact sports may be engaged in or to affect the authority of the State Water Pollution Control Board or regional water pollution control boards to fix appropriate areas for various uses.

(Added by Stats. 1957, Ch. 604.)

CHAPTER 2. AIR POLLUTION CONTROL DISTRICTS
(Chapter 2 repealed by Stats. 1945, Ch. 1142; added by
Stats. 1947, Ch. 632)

Article 1. Creation and Functioning of Districts

24198. The Legislature finds and declares that the people of the State of California have a primary interest in atmospheric purity and freedom of the air from any air contaminants and that there is pollution of the atmosphere in many portions of the State which is detrimental to the public peace, health, safety, and welfare of the people of the State.

(Added by Stats. 1947, Ch. 632.)

24199. The Legislature hereby finds and declares:

(a) That in portions of the State the air is polluted with smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, particulate matter, and other air contaminants.

(b) That it is not practical or feasible to prevent or reduce such air contaminants by local county and city ordinances.

(c) That in other portions of the State the air is not so polluted.

(d) That it is necessary, therefore, to provide for air pollution control districts in those portions of the State where regulations are necessary and feasible to reduce air contaminants in order to safeguard life, health, property and the public welfare and to make possible the comfortable enjoyment of life and property.

(Added by Stats. 1947, Ch. 632.)

24200. In each county there is hereby created an air pollution control district.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24201. The boundaries of every air pollution control district shall be coextensive with the boundaries of the county within which it is situated.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24202. An air pollution control district shall not transact any business or exercise any of its powers under this chapter until or unless the board of supervisors of the county in which it is situated, by proper resolution, declares at any time hereafter that there is need for an air pollution control district to function in such county.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24203. The board of supervisors at any time on its own motion may hold a public hearing to determine whether or not there is need for an air pollution control district to function.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24204. The board of supervisors shall give notice of the time and place of a public hearing to determine whether or not there is need for an air pollution control district to function by publication once in a newspaper of general circulation not less than 15 days before, and not more than 45 days before such hearing.

(Amended by Stats. 1941, Ch. 503; repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24205. The board of supervisors may adopt a resolution declaring that there is need for an air pollution control district to function if from the evidence received at such a public hearing it finds:

(a) That the air within such county is so polluted with air contaminants as to be injurious to health, or an obstruction to the free use of property, or offensive to the senses of a considerable number of persons, so as to interfere with the comfortable enjoyment of life or property.

(b) For any reason it is not practical to rely upon the enactment or enforcement of local county and city ordinances to prevent or control the emission of smoke, fumes, or other substances which cause or contribute to such pollution.

Upon the adoption of this resolution the district shall begin to function.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24206. A resolution declaring that there is need for an air pollution control district to function is sufficient if it finds that there is need for an air pollution control district to function, and finds in substantially the wording of Section 24205 that both of the enumerated conditions exist. No further detail is necessary.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24207. A copy of a resolution declaring that there is need for an air pollution control district, duly certified by the county clerk, is admissible in evidence in any suit, action or proceeding.

(Added by Stats. 1947, Ch. 632.)

24208. As used in this chapter, "air contaminant" includes smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

(Added by Stats. 1947, Ch. 632.)

24209. The board of supervisors of a county in which an air pollution control district has been authorized to transact business and exercise its powers, may from time to time appropriate funds to such air pollution control district which funds shall be deposited in the treasury of such air pollution control district.

(Added by Stats. 1947, Ch. 632.)

24210. All such appropriations are legal charges against the county.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24211. Every air pollution control district is a body corporate and politic.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24212. Upon the adoption by the board of supervisors of a resolution declaring that there is need for an air pollution control district to function the air pollution control district in that county shall have power:

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at its pleasure.

(d) To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers.

(e) To lease, sell or dispose of any property or any interest therein whenever in the judgment of the air pollution control board such property, or any interest therein, or part thereof, is no longer required for the purposes of the district, or may be leased for any purpose without interfering with the use of the same for the purposes of the district, and to pay any compensation received therefor into the general fund of the district.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24213. An air pollution control district which is situated in any county included within another air pollution control district created by special law shall cease to function and exercise its powers upon the date of any rules and regulations adopted by the governing body of such special district.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1955, Ch. 1797.)

24214. When an air pollution control district ceases to function and exercise its powers pursuant to Section 24213, the property of such district shall vest in the county in which the district is located, and any funds belonging to such district at that time shall be transferred to such county and may be used for general county purposes.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1955, Ch. 1797.)

Article 2. Officers

24220. The board of supervisors of a county shall be, and they are hereby designated as, and empowered to act as, ex

officio the air pollution control board of the air pollution control district in such county.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24221. All county officers, their assistants, clerks, deputies, and employees, and all other county employees, shall be ex officio officers, assistants, deputies, clerks, and employees, respectively, of the air pollution control district in the county by which they are employed. Except as otherwise provided in this article, they shall perform respectively the same various duties for the air pollution control district as for the county without additional compensation, in order to carry out the provisions of this chapter.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24222. The air pollution control board shall appoint an air pollution control officer.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24223. The air pollution control board may provide for assistants, deputies, clerks, attaches, and other persons to be employed by the air pollution control officer, and the times at which they shall be appointed.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24224. The air pollution control officer shall observe and enforce, within his air pollution control district:

(a) The provisions of this chapter and all provisions of the Vehicle Code relating to the emission or control of air contaminants.

(b) All orders, regulations, and rules prescribed by the air pollution control board of the air pollution control district pursuant to this chapter.

(c) All variances and standards which the hearing board has prescribed pursuant to Article 5 of this chapter.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632; amended by Stats. 1957, Ch. 236.)

24225. The air pollution control board shall appoint a hearing board to consist of three members, none of whom is otherwise employed by the air pollution control district or by the county. Two members shall have been admitted to practice law in this State. One member shall be a chemical or mechanical engineer.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24226. The air pollution control board shall appoint one member of the hearing board for a term of one year, one for a term of two years, and one for a term of three years. Thereafter the terms of members of the hearing board shall be three years.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24227. The air pollution control board shall determine the compensation of, and pay from district funds, the air pollution control officer, all of his assistants, deputies, clerks, attaches, and other employees, and members of the hearing board.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24227.5. In fixing compensation to be paid to persons subject to the civil service provisions of this article, the air pollution control board, in each instance, shall provide a salary or wage equal to the salary or wage paid to county employees for the same quality of service.

This section shall be operative only in those counties which are operating under freeholders' charters which require that in the fixing of salaries or wages for persons employed by the county subject to the civil service system of such county, the board of supervisors shall, in each instance, provide a salary or wage at least equal to the prevailing salary or wage for the same quality of service rendered to private persons under similar employment in case such prevailing salary or wage can be ascertained.

(Added by Stats. 1963, Ch. 937.)

24228. In any county having a system of civil service, the air pollution control board shall appoint the air pollution control officer, and the air pollution control officer shall appoint all of his assistants, deputies, clerks, attaches, and other employees, pursuant to such civil service provisions, except:

(a) If the Civil Service Commission or body performing the functions thereof, finds that any person has been employed by the county or by any city within the air pollution control district for a continuous period of not less than six months prior to the effective date of a resolution adopted by the board of supervisors pursuant to Article 1 of this chapter, in a position the duties of which, and qualifications for which are substantially the same as, or are greater than and include qualifications which are substantially the same as those of any position in the air pollution control district, and such person has attained permanent civil service status in such city or county position, the Civil Service Commission or such other body shall certify, without examination, such person as eligible to hold such air pollution control district position.

(b) If the Civil Service Commission or body performing the functions thereof finds that any person has been employed by the county or by any city within the air pollution control district in a position the duties of which, and qualifications for which are substantially the same as, or are greater than and include qualifications which are substantially the same as those of any position in the air pollution control district, at the request of the air pollution control officer, the Civil Service Commission or such other body, may certify, without examination, such person as eligible to hold such air pollution control district position.

(c) Any person entitled to participate in promotional examinations for positions in the county classified civil service shall similarly be entitled to participate in promotional examinations for positions in the classified civil service of the air pollution control district, pursuant to county Civil Service Commission rules in effect at the time, and to be certified for said district positions by the county Civil Service Commission, or other body performing the functions thereof, and to be appointed to said district positions.

(d) This section does not apply to the appointment of members to the hearing board.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632; amended by Stats. 1959, Ch. 71.)

24229. All officers and employees of an air pollution control district are entitled to the benefits of the County Employees' Retirement Law of 1937, Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, to the same extent as employees of the county. An air pollution control district is a district as defined in Section 31468 of the Government Code.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24230. If any person is employed by an air pollution control district after certification without examination by the civil service commission or similar body because of his employment in a position of similar duties by the county or by a city within the air pollution control district, for the purpose of retirement benefits and salary rates all time employed in such county or city position shall be considered as time employed by the air pollution control district.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24231. In enforcing the provisions of this chapter and all provisions of the Vehicle Code relating to the emission and control of air contaminants and the orders, regulations, rules, variances, and standards mentioned in Section 24224, the air pollution control officer of an air pollution control district is a peace officer.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632; amended by Stats. 1957, Ch. 236.)

24232. (Repealed by Stats. 1945, Ch. 1142. Section of same number added to Article 2.5, below.)

24240. (Repealed by Stats. 1945, Ch. 1142.)

Article 2.5. Claims

(Article 2.5 added by Stats. 1959, Ch. 1727)

24232. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title

1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727; amended by Stats. 1963, Ch. 1715. See note following Section 954.)

Article 3. Prohibitions

24241. The provisions of this article do not apply within any air pollution control district unless and until, pursuant to resolution as provided in Article 1 of this chapter, such air pollution control district may function and exercise its powers.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24242. A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

(a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this section.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24243. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24244. (Repealed by Stats. 1945, Ch. 1142.)

24245. The provisions of Section 24242 do not apply to smoke from fires:

(a) Set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:

(1) For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

(2) The instruction of public employees in the methods of fighting fire.

(b) Set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

(Added by Stats. 1947, Ch. 632; amended by Stats. 1955, Ch. 1389, and by Stats. 1957, Ch. 237.)

24245.1. The governing board of the district may by rule provide for the issuance by the air pollution control officer of permits for open burning. The provisions of Section 24242 do not apply to smoke from fires set pursuant to such permit.

(Added by Stats. 1961, Ch. 2034.)

24246. The air pollution control officer, during reasonable hours, for the purpose of enforcing or administering this chapter, or any provisions of the Vehicle Code relating to the emission or control of air contaminants, or of any order, regulation or rule prescribed pursuant thereto, may enter every building, premises, or other place, except a building designed for and used exclusively as a private residence and may stop, detain, and inspect any vehicle, designed for and used on a public highway but which does not run on rails. Every person is guilty of a misdemeanor who in any way denies, obstructs, or hampers such entrance, or such stopping, detaining, or inspection of such vehicle, or who refuses to stop such a vehicle upon the lawful order of the air pollution control officer.

(Added by Stats. 1947, Ch. 632; amended by Stats. 1957, Ch. 236.)

24247. The Legislature does not, by the provisions of this chapter, intend to occupy the field.

The provisions of this chapter do not prohibit the enactment or enforcement by any county or city of any local ordinance stricter than the provisions of this article and stricter than the rules and regulations adopted pursuant to Article 4 of this chapter, which local ordinance prohibits, regulates or controls air pollution.

(Added by Stats. 1947, Ch. 632.)

24248. The provisions of this chapter do not supersede any such local county or city ordinance.

(Added by Stats. 1947, Ch. 632.)

24249. If it should be held that the provisions of this chapter supersede the provisions of any local county or city ordinance, such suspension shall not bar the prosecution or punishment of any violation of such ordinance which violation was committed when such ordinance was in full force and effect.

(Added by Stats. 1947, Ch. 632.)

24250. Nothing in this article limits in any way the power of the air pollution control board to make needful orders, rules, and regulations pursuant to Article 4 of this chapter. Nothing in this article permits any action contrary to any such order, rule, or regulation.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24251. The provisions of Section 24242 do not apply to:

(a) Agricultural operations in the growing of crops, or raising of fowls or animals, or,

(b) The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute, or,

(c) The use of other equipment in agricultural operations in the growing of crops, or raising of fowls or animals.

(Added by Stats. 1947, Ch. 632.)

24251.1. The provisions of Section 24243 relating to odors do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowls or animals.

(Added by Stats. 1957, Ch. 1578.)

24252. Any violation of any provision of this article or of any order, rule, or regulation of the air pollution control board may be enjoined in a civil action brought in the name of the people of the State of California.

(Added by Stats. 1947, Ch. 632.)

24253. Every person who violates any provision of this article is guilty of a misdemeanor. Every day during any portion of which such violation occurs constitutes a separate offense.

(Added by Stats. 1947, Ch. 632.)

24254. As used in this chapter, "person" also means any state or local governmental agency or public district, or any officer or employee thereof; provided, however, that no state or local governmental agency, or public district, or any officer or employee thereof, shall be criminally liable or responsible under the provisions of this chapter for any acts done by such governmental agency, or public district, in the performance of its functions or by such officers or employees in the performance of their duties. No criminal action shall hereafter be maintained or prosecuted for such acts, and all criminal actions heretofore instituted for such acts shall be dismissed. Any violation of any provision of this chapter or of any order, rule, or regulation of the air pollution control board by any governmental agency, or public district, or by any officer or employee thereof, may be enjoined in a civil action brought in the name of the people of the State of California.

(Added by Stats. 1955, Ch. 1300; amended by Stats. 1957, Ch. 501.)

Article 4. Rules and Regulations

24260. The air pollution control board of an air pollution control district may make and enforce all needful orders, rules, and regulations necessary or proper to accomplish the purposes of this chapter for the administration of such district, and may perform all other acts necessary or proper to accomplish the purposes of this chapter.

(Added by Stats. 1947, Ch. 632.)

24261. The air pollution control board shall not enact any order, rule or regulation until it first holds a public hearing thereon. It shall give not less than 10 days' notice of the time

and place of such public hearing by publication in a newspaper of general circulation published within the district if such a newspaper is published within the district. If no newspaper of general circulation is published within the district it shall give notice of the time and place of public hearing by posting in a public place not less than 10 days before such hearing.

(Added by Stats. 1947, Ch. 632.)

24262. Whenever the air pollution control board finds that the air in the air pollution control district is so polluted as to cause any discomfort or property damage at intervals to a substantial number of inhabitants of the district, the air pollution control board may make and enforce such orders, rules, and regulations as will reduce the amount of air contaminants released within the district.

(Added by Stats. 1947, Ch. 632.)

24263. The air pollution control board may require by regulation that before any person either builds, erects, alters, replaces, operates, sells, rents, or uses any article, machine, equipment, or other contrivance specified by such regulation the use of which may cause the issuance of air contaminants, such person shall obtain a permit to do so from the air pollution control officer.

Insofar as the regulations do not grant an automatic permit for the operation or use of any article, machine, equipment, or contrivance in existence upon the effective date of such regulations, a permit shall not be required without first affording the owner, operator, or user thereof a reasonable time within which to apply for such permit, and to furnish the air pollution control officer the information required pursuant to Section 24269.

(Added by Stats. 1947, Ch. 632; amended by Stats. 1957, Ch. 1566.)

24263.7. The air pollution control board by regulation may: (a) Establish standards of performance for any article, device, equipment, or method specifically designed or intended for installation or use upon or in any motor vehicle as defined in the Vehicle Code, for the purpose of eliminating, reducing or controlling the issuance of air contaminants.

(b) Prohibit the sale, offering for sale or installation of any article, device, equipment or method specifically designed or intended for installation or use upon or in any motor vehicle as defined in the Vehicle Code to eliminate, reduce, or control the issuance of air contaminants, unless such article, device, equipment or method is of a type which has been submitted to and approved by the air pollution control officer as meeting the minimum standard of performance as authorized in this section. Upon approval the air pollution control officer shall issue a permit authorizing the sale, offering for sale or installation of any said approved article, device, equipment or method referred to in this section.

(Added by Stats. 1957, Ch. 239.)

24264. The air pollution control board may require that before the air pollution control officer issues a permit to build, erect, alter, or replace any equipment, that the plans and specifications show, and that the permit issued by the air pollution control officer require, that such building, erection, alteration, or replacement will be done in such a manner, and that such approved equipment be used as the air pollution control board finds will eliminate or reduce the discharge of any air contaminants.

(Added by Stats. 1947, Ch. 632.)

24265. A permit shall not be required for:

(a) Any vehicle as defined in the Vehicle Code.

(b) Any structure designed for and used exclusively as a dwelling for not more than four families.

(c) An incinerator used exclusively in connection with such a structure.

(d) Barbecue equipment which is not used for commercial purposes.

(e) Equipment described in Section 24251; except that the Air Pollution Control Board of any county, any part of which lies south of the Sixth Standard Parallel South, Mount Diablo Base and Meridian, may at its discretion require operations described in Section 24251 (b) to obtain permits. The board may promulgate such rules and regulations, as herein provided for, but in no event shall a permit be denied an operator, operating orchard or citrus grove heaters, if such heaters produce unconsumed solid carbonaceous matter at the rate of one (1) gram per minute, or less.

(f) Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

As used in this section, maintenance does not include operation.

This section does not limit the powers granted to the Air Pollution Control Board by Section 24260 and Section 24262 of this code.

(Added by Stats. 1947, Ch. 632; amended by Stats. 1949, Ch. 910, and by Stats. 1957, Ch. 238.)

24266. The air pollution control board may contract with the county, and may contract with any city within the air pollution control district, and the county and any such city may contract with the air pollution control district, for the performance of such work in the name of, and subject to the approval of, the air pollution control officer by the building department or other officer, department, or agency of the county or such city charged with the enforcement of regulations pertaining to the erection, construction, reconstruction, movement, conversion, alteration, or enlargement of buildings or structures, as will accomplish all or part of the purposes of Sections 24263 and 24264. The contract may provide for the consideration, if any, which the air pollution control district shall pay to such city.

(Added by Stats. 1947, Ch. 632.)

24267. The air pollution control board may provide by regulation a schedule of fees not exceeding the estimated cost of issuing such permits and inspection pertaining to such issuance to be paid for the issuance of such permits. Every person applying for a permit shall pay the fee required by such schedule.

(Added by Stats. 1947, Ch. 632.)

24268. A contract entered into pursuant to Section 24266 may provide that fees for permits shall be paid to the city, the officer, department, or agency of which city issues the permit, and may be retained by such city in whole or in part as the consideration, or part thereof, for issuing such permits. Otherwise, all fees paid for the issuance of permits shall be paid into the district treasury.

(Added by Stats. 1947, Ch. 632.)

24269. The air pollution control officer at any time may require from an applicant for, or holder of any permit provided for by the regulations of the air pollution control board, such information, analyses, plans, or specifications as will disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged by such source.

(Added by Stats. 1947, Ch. 632.)

24270. If the holder of any permit provided for by the regulations of the air pollution control board within a reasonable time wilfully fails and refuses to furnish to the air pollution control officer information, analyses, plans, or specifications requested by such air pollution control officer, the air pollution control officer may suspend the permit. He shall serve notice in writing of such suspension and the reasons therefor on the permittee.

(Added by Stats. 1947, Ch. 632.)

24271. Within 10 days after receipt of notice of suspension the permittee may file with the hearing board a demand for a public hearing as to whether or not the permit was properly suspended.

(Added by Stats. 1947, Ch. 632.)

24272. The air pollution control officer shall reinstate a suspended permit when all information, analyses, plans, and specifications are furnished.

(Added by Stats. 1947, Ch. 632.)

24273. The air pollution control officer may reinstate a suspended permit where, in his opinion, good reasons exist therefor.

(Added by Stats. 1947, Ch. 632.)

24274. The air pollution control officer may request the hearing board to hold a public hearing to determine whether a permit should be revoked, or a suspended permit should be reinstated.

(Added by Stats. 1947, Ch. 632.)

24275. Within 30 days after either the air pollution control officer or the permittee has requested a public hearing, the hear-

ing board shall hold such a hearing and give notice of the time and place of such hearing to the permittee, to the air pollution control officer and to such other persons as the hearing board deems should be notified, not less than 10 days before the date of the public hearing.

(Added by Stats. 1947, Ch. 632.)

24276. After a public hearing, the hearing board may:

(a) Continue the suspension of a permit suspended by the air pollution control officer, or

(b) Remove the suspension of an existing permit invoked by the air pollution control officer pending the furnishing by the permittee of the information, analyses, plans, and specifications required, or

(c) Find that no violation exists and reinstate an existing permit, or

(d) Revoke an existing permit, if it finds:

(1) The permittee has failed to correct any conditions required by the air pollution control officer, or

(2) A refusal of a permit would be justified, or

(3) Fraud or deceit was employed in the obtaining of the permit, or

(4) Any violation of this chapter or of any rule or regulation of the air pollution control board.

(Added by Stats. 1947, Ch. 632.)

24277. Every person is guilty of a misdemeanor who knowingly makes any false statement in any application for a permit or in any information, analyses, plans, or specifications submitted either in conjunction therewith, or at the request of the air pollution control officer.

(Added by Stats. 1947, Ch. 632.)

24278. Every person is guilty of a misdemeanor who builds, erects, alters, replaces, uses, or operates any source capable of emitting air contaminants for which a permit is required by the regulations of the air pollution control district when his permit so to do has been either suspended or revoked.

(Added by Stats. 1947, Ch. 632.)

24279. Every person required by the regulations of the air pollution control board to obtain a permit so to do who, without first obtaining such permit, builds, erects, alters, replaces, uses, or operates any source capable of emitting air contaminants, is guilty of a misdemeanor.

(Added by Stats. 1947, Ch. 632.)

24280. Every person is guilty of a misdemeanor who builds, erects, alters, or replaces, operates or uses any such article, machine, equipment, or other contrivance contrary to the provisions of any permits issued under regulations adopted pursuant to this article.

(Added by Stats. 1947, Ch. 632.)

24281. Every person violating any order, rule, or regulation of an air pollution control district is guilty of a misde-

meanor. Every day during any portion of which such a violation occurs is a separate offense.

(Added by Stats. 1947, Ch. 632.)

24282. Every permittee who wilfully fails or neglects to furnish information, analyses, plans, or specifications required by the air pollution control officer is guilty of a misdemeanor.

(Added by Stats. 1947, Ch. 632.)

Article 5. Variances

24291. The provisions of this chapter do not prohibit the discharge of air contaminants to a greater extent or for a longer time, or both, than permitted by Article 3 of this chapter or by rules, regulations, or orders of the air pollution control board, if not of a greater extent or longer time than the hearing board or a court after a hearing before the hearing board finds necessary pursuant to the provisions of this article.

(Added by Stats. 1947, Ch. 632.)

24292. The hearing board on its own motion or at the request of any person may hold a hearing to determine under what conditions and to what extent a variance from the requirements established by Article 3 of this chapter or by rules, regulations, or orders of the air pollution control board is necessary and will be permitted.

(Added by Stats. 1947, Ch. 632.)

24293. The air pollution control board may provide, by regulation, a schedule of fees which will yield a sum not exceeding the estimated cost of the administration of this article, for the filing of applications for variances or to revoke or modify variances. All applicants shall pay the fees required by such regulations.

(Added by Stats. 1947, Ch. 632.)

24294. All such fees shall be paid into the district treasury.

(Added by Stats. 1947, Ch. 632.)

24295. The hearing board shall serve a notice of the time and place of a hearing to grant a variance upon the air pollution control officer and upon the applicant, if any, not less than 10 days prior to such hearing.

(Added by Stats. 1947, Ch. 632.)

24296. If the hearing board finds that because of conditions beyond control compliance with Article 3 of this chapter or with any rule, regulation, or order of the air pollution control board will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation or activity, in either case without a sufficient corresponding benefit or advantage to the people in the reduction of air contamination, it shall prescribe other and different requirements not more onerous applicable to plants and equipment operated either by named classes of industries or persons, or to the operation of separate persons; provided, however, that no variance may permit or authorize the maintenance of a nuisance.

(Added by Stats. 1947, Ch. 632.)

24297. In determining under what conditions and to what extent a variance from said requirements is necessary and will be permitted, the hearing board shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the district and to any lawful business, occupation or activity involved, resulting from requiring compliance with said requirements or resulting from granting a variance.

(Added by Stats. 1947, Ch. 632.)

24298. The hearing board may revoke or modify by written order, after a public hearing held upon not less than 10 days' notice, any order permitting a variance.

(Added by Stats. 1947, Ch. 632.)

24299. The hearing board shall serve notice of the time and place of a hearing to revoke or modify any order permitting a variance not less than 10 days prior to such hearing upon the air pollution control officer, upon all persons who will be subjected to greater restrictions if such order is revoked or modified as proposed and upon all other persons interested or likely to be affected who have filed with the hearing board or air pollution control officer a written request for such notification.

(Added by Stats. 1947, Ch. 632.)

24300. The hearing board shall serve a notice of the time and place of a hearing to grant a variance or to revoke or modify an order permitting a variance either by personal service or by first class mail, postage prepaid, as provided by Section 15. If either the identity or address of any person entitled to notice is unknown, the hearing board shall serve such person by publication of notice once in a newspaper of general circulation published within the air pollution control district if such newspaper is published therein, otherwise by posting at a public place at the county seat within the district.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24301. The hearing board in making any order permitting a variance may specify the time during which such order will be effective, in no event to exceed one year, but such variance may be continued from year to year without another hearing on the approval of the air pollution control officer.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24302. If any local county or city ordinance has provided regulations similar to those in Article 3 of this chapter or to any order, regulation, or rule prescribed by the air pollution control board, and has provided for the granting of variances, and pursuant to such local ordinance a variance has been granted prior to the adoption of a resolution by the board of supervisors pursuant to Article 1 of this chapter, such variance shall be continued as a variance of the hearing board for the time specified therein or one year whichever is shorter or until and unless prior to the expiration of such time the hearing

board modifies or revokes such variance as provided in this article.

(Added by Stats. 1947, Ch. 632.)

Article 6. Procedure

24310. This article applies to all hearings which either Article 4 or Article 5 of this chapter provides shall be held by the hearing board.

(Added by Stats. 1947, Ch. 632.)

24311. The hearing board shall select from its number a chairman.

(Added by Stats. 1947, Ch. 632.)

24312. The hearing board may hold a hearing in bank or may designate two or one of their number to hold a hearing.

(Added by Stats. 1947, Ch. 632.)

24313. If two or three members of the hearing board conduct a hearing the concurrence of two shall be necessary to a decision.

(Added by Stats. 1947, Ch. 632.)

24314. The hearing board not less than two being present may, in its discretion, within 30 days rehear any matter which was decided by a single member.

(Added by Stats. 1947, Ch. 632.)

24315. Whenever the members of the hearing board conducting any hearing deem it necessary to examine any person as a witness at such hearing, the chairman of the hearing board shall issue a subpoena, in proper form, commanding such person to appear before it at a time and place specified to be examined as a witness. The subpoena may require such person to produce all books, papers, and documents in his possession or under his control material to such hearing.

(Added by Stats. 1947, Ch. 632.)

24316. A subpoena to appear before the hearing board shall be served in the same manner as a subpoena in a civil action.

(Added by Stats. 1947, Ch. 632.)

24317. Whenever any person duly subpoenaed to appear and give evidence or to produce any books and papers before the hearing board neglects or refuses to appear, or to produce any books and papers, as required by the subpoena, or refuses to testify or to answer any question which the hearing board decides is proper and pertinent, he shall be deemed in contempt, and the hearing board shall report the fact to the judge of the superior court of the county.

(Added by Stats. 1947, Ch. 632.)

24318. Upon receipt of the report, the judge of the superior court shall issue an attachment directed to the sheriff of the county where the witness was required to appear and testify, commanding the sheriff to attach such person and forthwith bring him before the judge who ordered the attachment issued.

(Added by Stats. 1947, Ch. 632.)

24319. On the return of the attachment and the production of the body of the defendant, the judge has jurisdiction of the

matter. The person charged may purge himself of the contempt in the same way, and the same proceeding shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court.

(Added by Stats. 1947, Ch. 632.)

24320. Every member of the hearing board may administer oaths in every hearing in which he participates.

(Added by Stats. 1947, Ch. 632.)

24321. At any hearing the hearing board may require all or any witnesses to be sworn before testifying.

(Added by Stats. 1947, Ch. 632.)

24322. Any person deeming himself aggrieved, including the air pollution control district, may maintain a special proceeding in the superior court, to determine the reasonableness and legality of any action of the hearing board.

(Added by Stats. 1947, Ch. 632.)

24323. Any person filing such a special proceeding after any decision of the hearing board shall be entitled to a trial de novo and an independent determination of the reasonableness and legality of such action in such court on all issues of law, facts, and mixed questions of law and facts and opinions therein involved.

(Added by Stats. 1947, Ch. 632.)

Article 7. Unified Air Pollution Control Districts

(Article 7 added by Stats. 1949, Ch. 1185)

24330. Two or more contiguous counties having activated air pollution control districts under this chapter may merge their several districts into one district, under the provisions of this article.

(Added by Stats. 1949, Ch. 1185.)

24331. The board of supervisors of each county may by a vote of its members appoint two of its members to meet with an equal number appointed in a like manner from the other counties and agree to form one district, which agreement, upon ratification by the several boards of supervisors, shall create one district out of the several districts. Such agreement shall provide for the voting procedure on the air pollution control board.

(Added by Stats. 1949, Ch. 1185.)

24332. The boundaries of the unified air pollution control district shall be the same as the boundaries of the several counties of which it is comprised.

(Added by Stats. 1949, Ch. 1185.)

24333. Each county within the unified district shall be a zone of that district.

(Added by Stats. 1949, Ch. 1185.)

24334. The powers of the district shall be as provided in this chapter unless provided otherwise by this article.

(Added by Stats. 1949, Ch. 1185.)

24335. The boards of supervisors of the several zones comprising the unified district shall be, ex officio, the air pollution control board of the district.

(Added by Stats. 1949, Ch. 1185.)

24336. All county officers, their assistants, clerks, deputies, and employees of the several counties in the district and all other county employees of the zones within the district shall be ex officio officers, assistants, deputies, clerks, and employees of the district only within the zone in which they are employed.

(Added by Stats. 1949, Ch. 1185.)

24337. The boards of supervisors of each zone in the district shall appropriate such funds as are necessary to carry out the purposes of such air pollution control districts, as determined by the air pollution control board, in the proportion that the population of said zone at the date of merger bears to the total population of the district at the date of merger.

(Added by Stats. 1949, Ch. 1185.)

24338. All such appropriations are legal charges against the county in which the board of supervisors voted the appropriation.

(Added by Stats. 1949, Ch. 1185.)

24339. The treasurers of the several counties within the district shall pay the amount appropriated by the board of supervisors of their county into the treasury of the district.

(Added by Stats. 1949, Ch. 1185.)

24340. The district treasury shall be in the custody of the county treasurer of the largest zone, in terms of population at the date of merger, in the district and said treasurer shall be the unified air pollution control district treasurer.

(Added by Stats. 1949, Ch. 1185.)

24341. Whenever any person duly subpoenaed to appear and give evidence or to produce any books and papers before the hearing board neglects or refuses to appear, or to produce any books and papers, as required by the subpoena, or refuses to testify or to answer any question which the hearing board decides is proper and pertinent, he shall be deemed in contempt, and the hearing board shall report the fact to the judge of the superior court of the county in which the person resides.

(Added by Stats. 1949, Ch. 1185.)

CHAPTER 2.5. BAY AREA AIR POLLUTION CONTROL DISTRICT

(Chapter 2.5 added by Stats. 1955, Ch. 1797)

Article 1. Short Title

(Article 1 added by Stats. 1955, Ch. 1797)

24345. This chapter may be cited and shall be known as the Bay Area Air Pollution Control Law.

(Added by Stats. 1955, Ch. 1797.)

Article 2. Declaration of Policy

(Article 2 added by Stats. 1955, Ch. 1797)

24346. The Legislature finds and declares that the people of the State of California have a primary interest in atmospheric purity and freedom of the air from any air contaminants and that there is pollution of the atmosphere in certain portions of the State which is detrimental to the public peace, health, safety, and welfare of the people of the State.

(Added by Stats. 1955, Ch. 1797.)

24346.1. The Legislature further finds and declares:

(a) That in portions of the State the air is polluted with smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, particulate matter, and other air contaminants.

(b) That it is not practical or feasible to prevent or reduce such air contaminants by local county and city ordinances.

(c) That it is necessary, therefore, to provide for air pollution control districts in those portions of the State where regulations are necessary and feasible to reduce air contaminants in order to safeguard life, health, property and the public welfare and to make possible the comfortable enjoyment of life and property.

(Added by Stats. 1955, Ch. 1797.)

24346.2. The problems of air pollution are primarily regional and dependent upon factors of weather, topography, population, transportation, methods of waste disposal, and agricultural and industrial development. These factors vary greatly from area to area. The San Francisco Bay area, with its permanent temperature inversion layer, presents a special problem, distinct from that found in the remainder of the State. This chapter is enacted to provide a special district to control and suppress air pollution in that area.

Since the problem requiring this legislation is local and special due to atmospheric and geographic conditions, a general law cannot be made applicable so as to insure its effective alleviation. It is necessary, therefore, to create, by special law, an air pollution control district which includes only that area within the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma.

(Added by Stats. 1955, Ch. 1797.)

Article 3. Definitions

(Article 3 added by Stats. 1955, Ch. 1797)

24348. "District," as used in this chapter, means the Bay Area Air Pollution Control District.

(Added by Stats. 1955, Ch. 1797.)

24348.1. "Board," as used in this chapter, means the board of directors of the district.

(Added by Stats. 1955, Ch. 1797.)

24348.2. "Control officer," as used in this chapter, means the air pollution control officer of the district.

(Added by Stats. 1955, Ch. 1797.)

24348.3. "Air contaminant," as used in this chapter, includes smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, mist, odors, or particulate matter, or any combination thereof.

(Added by Stats. 1955, Ch. 1797.)

Article 4. Creation of District

(Article 4 added by Stats. 1955, Ch. 1797)

24350. An air pollution control district is hereby created comprising the area lying within the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma, which shall be called the Bay Area Air Pollution Control District.

(Added by Stats. 1955, Ch. 1797.)

24350.1. The district is a body corporate and politic and a public agency of the State.

(Added by Stats. 1955, Ch. 1797.)

24350.2. On the effective date of this chapter, the district shall begin to transact business and exercise its powers under this chapter in the Counties of Alameda, Contra Costa, Marin, San Francisco, San Mateo, and Santa Clara.

(Added by Stats. 1955, Ch. 1797.)

24350.3. The district shall not transact any business or exercise any of its powers under any of this chapter in the Counties of Napa, Solano, and Sonoma until and unless the boards of supervisors of such counties determine in the manner provided by this article that there is need for the district to function in such counties and so declare by resolution.

(Added by Stats. 1955, Ch. 1797.)

24350.4. Before the district may begin to transact business or exercise its powers in Napa County, Solano County, or Sonoma County, the board of supervisors of such county, on its own motion or whenever a petition requesting that the district transact business and exercise its powers in such county signed by not less than 10 percent of the qualified electors of such county is presented to such board of supervisors, shall hold a public hearing to determine whether or not there is need for the district to function in such county.

(Added by Stats. 1955, Ch. 1797.)

24350.5. Prior to the public hearing, the board of supervisors shall give notice of the time and place of hearing by publication pursuant to Section 6061 of the Government Code not less than 15 days nor more than 45 days before such hearing.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1957, Ch. 357.)

24350.6. Upon conclusion of the public hearing the board of supervisors may adopt a resolution declaring that there is

need for the district to function in such county if from the evidence received at such hearing it finds that it is in the best interests of such county that the district function therein.

(Added by Stats. 1955, Ch. 1797.)

24350.7. Upon adoption of the resolution the board of supervisors of such county shall cause a certified copy of it to be filed with the board.

(Added by Stats. 1955, Ch. 1797.)

24350.8. From and after the date of the filing of the certified copy of the resolution with the board, the district shall begin to function and may exercise its powers within such county.

(Added by Stats. 1955, Ch. 1797.)

Article 4.5. City Selection Committees

(Article 4.5 added by Stats. 1955, Ch. 1797)

24351. There shall be a separate and distinct city selection committee for each county in which the district may transact business and exercise its powers. The membership of such committees shall consist of the mayor of each city within such county, or, where there is no mayor, the chairman or the president of the city council.

(Added by Stats. 1955, Ch. 1797.)

24351.1. A majority of the members of each city selection committee shall constitute a quorum.

(Added by Stats. 1955, Ch. 1797.)

24351.2. The City and County of San Francisco is a city for purposes of this article.

(Added by Stats. 1955, Ch. 1797.)

24351.3. The city selection committee of each county shall meet on October 28, 1955, at 10 a.m. in the chambers of the board of supervisors of such county for the purpose of making the first appointment to the district board as prescribed in Section 24352. The committee of each county shall thereafter meet on the second Monday in May of each even-numbered year, at 10 a.m. in the chambers of the board of supervisors of such county, for the purpose of making succeeding appointments to the district board as prescribed in Section 24352.1. At least two weeks prior to the date of each meeting the clerk of the board of supervisors of each county shall give notice of such meeting to each member of the city selection committee of such county. The meeting of the city selection committee of each county shall be conducted in the presence of the clerk of the board of supervisors of such county who shall act as the recording officer for the meeting. It shall be the duty of the clerk of the board of supervisors to notify in writing the board of supervisors of such county and also the clerk of the district board of the appointment made by the city selection committee within 10 days after such appointment has been made.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1959, Ch. 598.)

24351.4. Each committee shall appoint a chairman from among its members and such other officers as may be necessary.

(Added by Stats. 1955, Ch. 1797.)

24351.5. Members of the committees shall serve without compensation, but may be allowed actual expenses incurred in the discharge of their duties.

(Added by Stats. 1955, Ch. 1797.)

Article 5. Governing Body

(Article 5 added by Stats. 1955, Ch. 1797)

24352. The governing body of the district is a board of directors who shall be selected as provided in this article.

On or before October 28, 1955, the board of supervisors of each county in which the district may at that time transact business and exercise its powers shall appoint one of its members to be a member of the board. If the district may not transact business or exercise its powers in any county within the district on October 28, 1955, the board of supervisors of such county shall appoint one of its members to be a member of the board within 30 days after the district may so function within such county.

On October 28, 1955, the city selection committee of each county shall appoint one member of the board. Such member shall be selected from among the mayors and city councilmen of the cities within such county. If the district may not transact business or exercise its powers in any county within the district on October 28, 1955, the city selection committee shall so appoint such member of the board within 30 days after the district may so function within such county.

(Added by Stats. 1955, Ch. 1797.)

24352.1. Each member of the first board shall hold office until June 1, 1956, and thereafter each member appointed by the board of supervisors shall hold office for a term of four years and until the appointment and qualification of his successor and each member appointed by the city selection committee shall hold office for two years and until the appointment and qualification of his successor. Any vacancy on the board shall be filled by appointment in the same manner as the vacating member was appointed. Any member of the board may be removed at any time in the same manner as he was appointed; provided, however, that if four-fifths of the members of the board of supervisors of a county request the removal of a member appointed by the city selection committee of such county, the city selection committee of such county shall meet within 20 days to consider the removal of such member.

(Added by Stats. 1955, Ch. 1797.)

24352.2. Any member of the board may be recalled from his office of member of the board of supervisors or of mayor or member of the legislative body of a city pursuant to Division

13 of the Elections Code, in which event his office as member of the board shall be vacant.

(Added by Stats. 1955, Ch. 1797.)

24352.3. The board is the governing body of the district and shall exercise all the powers of the district, except as otherwise provided.

(Added by Stats. 1955, Ch. 1797.)

24352.4. A majority of the members of the board constitutes a quorum for the transaction of business and may act for the board.

(Added by Stats. 1955, Ch. 1797.)

24352.5. Each member of the board shall receive the actual and necessary expenses incurred by him in the performance of his duties, plus a compensation of twenty-five dollars (\$25) for each day attending the meetings of the board, but such compensation shall not exceed six hundred dollars (\$600) in any one year.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1957, Ch. 848.)

24352.6. The board may appoint an executive secretary to perform such duties as may be assigned to him by the board.

(Added by Stats. 1955, Ch. 1797.)

24352.7. The board may cooperate and contract with any federal, state, or local governmental agencies, private industries, or civic groups necessary or proper to the accomplishment of the purposes of this chapter.

(Added by Stats. 1955, Ch. 1797.)

24352.8. No supervisor, mayor, or city councilman shall hold office on the board for a period of more than three months after ceasing to hold the office of supervisor, mayor, or city councilman, respectively, and his membership on the board shall thereafter be considered vacant, except that any mayor who continues to hold office as a city councilman, or city councilman who continues to hold office as mayor, shall not be considered to have ceased to hold office under this section.

(Added by Stats. 1963, Ch. 267.)

Article 6. Powers and Duties

(Article 6 added by Stats. 1955, Ch. 1797)

24354. The district shall have power:

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at its pleasure.

(d) To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers.

(e) To lease, sell or dispose of any property or any interest therein whenever in the judgment of the board such property,

or any interest therein, or part thereof, is no longer required for the purposes of the district, or may be leased for any purpose without interfering with the use of the same for the purposes of the district, and to pay any compensation received therefor into the general fund of the district.

(Added by Stats. 1955, Ch. 1797.)

24354.1. The district shall establish and execute an effective program for the reduction of air contaminants within the district.

(Added by Stats. 1955, Ch. 1797.)

24354.2. The district shall do such acts as may be necessary to carry out the provisions of this chapter.

(Added by Stats. 1955, Ch. 1797.)

24354.3. The board shall establish and maintain such offices wherever it deems will best facilitate the accomplishment of the district objectives.

(Added by Stats. 1955, Ch. 1797.)

24354.4. The board shall meet at such times and places as decided by the board.

(Added by Stats. 1955, Ch. 1797.)

24354.5. The board shall appoint a chairman from its members and such other officers as may be necessary.

(Added by Stats. 1955, Ch. 1797.)

24354.6. The board shall determine the compensation of, and pay from district funds, the control officer, all of his personnel, the executive secretary, and members of the hearing board.

(Added by Stats. 1955, Ch. 1797.)

24354.7. The board shall provide for the number of personnel to be employed by the control officer and for their duties and the times at which they shall be appointed.

(Added by Stats. 1955, Ch. 1797.)

24354.8. The board may contract with any city or county, any state department, or any competent person or agency for the conducting of competitive examinations to ascertain the fitness of applicants for employment and for the performance of any other service in connection with administration of the district.

(Added by Stats. 1955, Ch. 1797.)

24354.9. The board may by ordinance adopt a civil service system for any or all employees of the district, except that the executive secretary and air pollution control officer shall be exempt from such system and shall serve at the pleasure of the board. The board may adopt regulations and by-laws for the organization and administration of the district and may, in such regulations, provide for amendment and repeal thereof.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1957, Ch. 846.)

24354.10. In exercising its powers and duties, the district shall, whenever feasible, secure necessary technical, administrative and operational services by contract with public agencies to the end that duplication of similar services and

facilities is avoided to the extent possible. This section shall not be construed as requiring the board to contract for services which the board determines should, in the best interests of the district, be provided by the district or services which can be provided by the district at a lesser cost than by contract.

(Added by Stats. 1955, Ch. 1797.)

Article 7. Air Pollution Control Officer

(Article 7 added by Stats. 1955, Ch. 1797)

24355. The board shall appoint an air pollution control officer.

(Added by Stats. 1955, Ch. 1797.)

24355.1. Subject to the provisions of Article 6, the control officer shall appoint his personnel.

(Added by Stats. 1955, Ch. 1797.)

24355.2. The control officer shall observe and enforce:

(a) The provisions of this act.

(b) All orders, regulations, and rules prescribed by the board.

(c) All variances and standards which the hearing board has prescribed.

(Added by Stats. 1955, Ch. 1797.)

Article 8. Advisory Council

(Article 8 added by Stats. 1955, Ch. 1797)

24356. The board shall appoint a Bay Area Air Pollution Control Advisory Council to advise and consult with the board and the control officer in effectuating the purposes of this chapter. The council shall consist of the chairman of the board, who shall serve as an ex officio member, and 20 members who preferably are skilled and experienced in the field of air pollution, including at least one representative of colleges or universities in the State and at least one representative of each of the following groups within the district: health agencies, agriculture, industry, community planning, transportation, registered professional engineers, general contractors, architects, and organized labor.

(Added by Stats. 1955, Ch. 1797.)

24356.1. The council shall select a chairman and vice chairman and such other officers as it deems necessary.

(Added by Stats. 1955, Ch. 1797.)

24356.2. Council members shall serve without compensation but may be allowed actual expenses incurred in the discharge of their duties. The council shall meet as frequently as the directors or the council deem necessary.

(Added by Stats. 1955, Ch. 1797.)

Article 9. Hearing Board

(Article 9 added by Stats. 1955, Ch. 1797)

24357. Within 30 days after the district, by resolution, determines it necessary to adopt rules and regulations to control the release of air contaminants, the district board shall appoint a hearing board, to consist of three members, none of whom is otherwise employed by the district. One member shall have been admitted to practice law in this State. One member shall be a chemical or mechanical engineer.

(Added by Stats. 1955, Ch. 1797.)

24357.1. The district board shall appoint one member of the hearing board for a term of one year, one for a term of two years, and one for a term of three years. Thereafter the terms of members of the hearing board shall be three years.

(Added by Stats. 1955, Ch. 1797.)

Article 10. Enforcement

(Article 10 added by Stats. 1955, Ch. 1797)

24360. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

(Added by Stats. 1955, Ch. 1797.)

24360.1. This article does not apply to smoke from fire set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, for the purpose of weed abatement, the prevention of a fire hazard, or the instruction of public employees in the methods of fighting fire, which is, in the opinion of such officer, necessary.

(Added by Stats. 1955, Ch. 1797.)

24360.2. This article does not apply to:

(a) Smoke from fires set by, or permitted by, the county agricultural commissioner of any county within the district for agricultural operations in the growing of crops or raising of fowls or animals, if such fire is set or permission given in the performance of the official duty of such county agricultural commissioner, except that such fires shall not be set or permission given in violation of any general order, rule, or regulation adopted by the board pursuant to Section 24362.3.

(b) Smoke from fires set by, or permitted by, the State Forester or his agent for the purpose of watershed, range, or pasture improvement if such fire is set or permission given in the performance of the official duty of the State Forester or his agent, except that such fires shall not be set or permission given

in violation of any general order, rule, or regulation adopted by the board pursuant to Section 24362.3.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1959, Ch. 1329.)

24360.3. The Legislature does not, by the provisions of this chapter, intend to occupy the field.

The provisions of this chapter do not prohibit the enactment or enforcement by any county or city of any local ordinance stricter than or identical to the provisions of this article and stricter than or identical to the rules and regulations adopted pursuant to this chapter, which local ordinance prohibits, regulates or controls air pollution.

Counties and cities may, by local ordinance, provide for the local enforcement of this article and of regulations adopted pursuant to this chapter.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1959, Ch. 698.)

24360.4. The provisions of this chapter do not supersede any such local county or city ordinance.

(Added by Stats. 1955, Ch. 1797.)

24360.5. If it should be held that the provisions of this chapter supersede the provisions of any local county or city ordinance, such suspension shall not bar the prosecution or punishment of any violation of such ordinance which violation was committed when such ordinance was in full force and effect.

(Added by Stats. 1955, Ch. 1797.)

24360.6. Nothing in this article limits in any way the power of the board to make needful orders, rules, and regulations pursuant to other provisions of this chapter. Nothing in this article permits any action contrary to any such order, rule, or regulation.

(Added by Stats. 1955, Ch. 1797.)

24360.7. Any violation of any provisions of this article or of any order, rule, or regulation of the board may be enjoined in a civil action brought in the name of the people of the State of California.

(Added by Stats. 1955, Ch. 1797.)

24360.8. The provisions of Section 24360 relating to odors do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowls or animals.

(Added by Stats. 1957, Ch. 1578.)

24360.9. Except as provided in Sections 24360.1 and 24360.2, orders, rules, and regulations of the board shall apply to every state agency, governmental subdivision, district, public and quasi-public corporation, public agency, and public service corporation, and every town, city, county, city and county, and municipal corporation.

(Added by Stats. 1961, Ch. 2032.)

Article 11. Rules and Regulations

(Article 11 added by Stats. 1955, Ch. 1797)

24362. At any time after October 1, 1956, the board may by resolution declare it necessary that the district adopt rules and regulations to control the release of air contaminants in order to reduce or alleviate air pollution within the district. Such determination shall be based on surveys and studies made by the district and such other information as may be available to the district. The determination shall be made only after the board has considered the matter at a public hearing at which all interested persons are afforded the opportunity to appear and urge or oppose adoption of the resolution. The board shall give notice of its intention to adopt the resolution and give notice of the hearing by publication pursuant to Section 6061 of the Government Code in each of the counties within the district not less than 10 days prior to the hearing. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the district of the nature and purpose of the meeting. The hearing may be adjourned from time to time in order to permit presentation of all pertinent testimony.

Upon the conclusion of the hearing, if the board determines it to be necessary to adopt rules and regulations to control the release of air contaminants, the board shall so declare by resolution.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1957, Ch. 357.)

24362.1. At any time after the resolution of necessity has been adopted, the board may make and enforce all needful orders, rules, and regulations necessary or proper to accomplish the purposes of this chapter.

(Added by Stats. 1955, Ch. 1797.)

24362.2. The board shall not enact any order, rule or regulation until it first holds a public hearing thereon. It shall give not less than 10 days' notice of the time and place of such public hearing by publication in the district pursuant to Section 6061 of the Government Code.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1957, Ch. 357.)

24362.3. Whenever the board finds that the air in the district is so polluted as to cause discomfort or property damage at intervals to a substantial number of inhabitants of the district, the board may make and enforce such general orders, rules, and regulations as will reduce the amount of air contaminants released within the district, but no order, rule or regulation of the board shall specify the design of equipment, type of construction, or particular method to be used in reducing the release of air contaminants.

(Added by Stats. 1955, Ch. 1797.)

24362.4. The control officer at any time may require from any person subject to regulations of the board, such informa-

tion or analyses as will disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged by such source, and may require that such disclosures be certified by a professional engineer registered in the State. In addition to such report, the control officer may designate and employ a registered professional engineer of his choice to make an independent study and report as to the nature, extent, quantity, and degree of any air contaminants which are or may be discharged from the source. An engineer so designated is authorized to inspect any article, machine, equipment or other contrivance necessary to make the inspection and report.

(Added by Stats. 1955, Ch. 1797.)

24362.5. If any person within a reasonable time wilfully fails or refuses to furnish to the control officer information or analyses requested by such control officer, or if the control officer finds that any order, rule or regulation of the board is being violated after a reasonable time has been allowed for compliance, the control officer shall notify the hearing board of such facts and request a public hearing on the matter.

(Added by Stats. 1955, Ch. 1797.)

24362.6. Within 30 days after the control officer has requested a public hearing, the hearing board shall hold such a hearing and give notice of the time and place of such hearing to the person cited, to the control officer and to such other persons as the hearing board deems should be notified, not less than 10 days before the date of the public hearing.

(Added by Stats. 1955, Ch. 1797.)

24362.7. After a public hearing, the hearing board may find that no violation exists, or may take any of the actions provided in Article 12 and Article 13 of this chapter.

(Added by Stats. 1955, Ch. 1797.)

Article 12. Variances

(Added by Stats. 1955, Ch. 1797)

24365. The provisions of this chapter do not prohibit the discharge of air contaminants to a greater extent or for a longer time, or both, than permitted by Article 10 or by rules, regulations, or orders of the board, if not of a greater extent or longer time than the hearing board or a court after a hearing before the hearing board finds necessary pursuant to the provisions of this article.

(Added by Stats. 1955, Ch. 1797.)

24365.1. The hearing board on its own motion or at the request of any person may hold a hearing to determine under what conditions and to what extent a variance from the requirements established by Article 10 or by rules, regulations, or orders of the board is necessary and will be permitted.

(Added by Stats. 1955, Ch. 1797.)

24365.2. The board may provide, by regulation, a schedule of fees which will yield a sum not exceeding the estimated cost of the administration of this article, for the filing of applica-

tions for variances or to revoke or modify variances. All applicants shall pay the fees required by such regulations.

(Added by Stats. 1955, Ch. 1797.)

24365.3. All such fees shall be paid to the district treasurer to the credit of the district.

(Added by Stats. 1955, Ch. 1797.)

24365.4. The hearing board shall serve a notice of the time and place of a hearing to grant a variance upon the control officer and upon the applicant, if any, not less than 10 days prior to such hearing.

(Added by Stats. 1955, Ch. 1797.)

24365.5. If the hearing board finds that because of conditions beyond control compliance with Article 10 or with any rule, regulation, or order of the air pollution control board will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation or activity, in either case without a sufficient corresponding benefit or advantage to the people in the reduction of air contamination, it shall prescribe other and different requirements not more onerous applicable to plants and equipment operated either by named classes of industries or persons, or to the operation of separate persons; provided, however, that no variance may permit or authorize the maintenance of a nuisance.

(Added by Stats. 1955, Ch. 1797.)

24365.6. In determining under what conditions and to what extent a variance from said requirements is necessary and will be permitted, the hearing board shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the district and to any lawful business, occupation or activity involved, resulting from requiring compliance with said requirements or resulting from granting a variance.

(Added by Stats. 1955, Ch. 1797.)

24365.7. The hearing board may revoke or modify by written order, after a public hearing held upon not less than 10 days' notice, any order permitting a variance.

(Added by Stats. 1955, Ch. 1797.)

24365.8. The hearing board shall serve notice of the time and place of a hearing to revoke or modify any order permitting a variance not less than 10 days prior to such hearing upon the control officer, upon all persons who will be subjected to greater restrictions if such order is revoked or modified as proposed and upon all other persons interested or likely to be affected who have filed with the hearing board or control officer a written request for such notification.

(Added by Stats. 1955, Ch. 1797.)

24365.9. The hearing board shall serve a notice of the time and place of a hearing to grant a variance or to revoke or modify an order permitting a variance either by personal service or by first-class mail, postage prepaid. If either the identity or address of any person entitled to notice is un-

known, the hearing board shall serve such person by publication of notice in the district pursuant to Section 6061 of the Government Code.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1957, Ch. 357.)

24365.10. The hearing board in making any order permitting a variance may specify the time during which such order will be effective, in no event to exceed one year, but such variance may be continued from year to year without another hearing on the approval of the control officer.

(Added by Stats. 1955, Ch. 1797.)

24365.11. If any local county or city ordinance has provided regulations similar to those in Article 10 or to any order, regulation, or rule prescribed by the board, and has provided for the granting of variances, and pursuant to such local ordinance a variance has been granted prior to notification of the district, such variance shall be continued as a variance of the hearing board for the time specified therein or one year, whichever is shorter, or until and unless prior to the expiration of such time the hearing board modifies or revokes such variance as provided in this article.

(Added by Stats. 1955, Ch. 1797.)

Article 13. Procedure

(Article 13 added by Stats. 1955, Ch. 1797)

24367. This article applies to all hearings which this chapter provides shall be held by the hearing board.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1961, Ch. 1122.)

24367.1. The hearing board shall select from its number a chairman.

(Added by Stats. 1955, Ch. 1797.)

24367.2. The hearing board may hold a hearing in bank or may designate two or one of their number to hold a hearing.

(Added by Stats. 1955, Ch. 1797.)

24367.3. If two or three members of the hearing board conduct a hearing the concurrence of two shall be necessary to a decision.

(Added by Stats. 1955, Ch. 1797.)

24367.4. The hearing board, not less than two being present, may, in its discretion, within 30 days rehear any matter which was decided by a single member.

(Added by Stats. 1955, Ch. 1797.)

24367.5. Whenever the members of the hearing board conducting any hearing deem it necessary to examine any person as a witness at such hearing, the chairman of the hearing board shall issue a subpoena, in proper form, commanding such person to appear before it at a time and place specified to be examined as a witness. The subpoena may require such person to produce all books, papers, and documents in his possession or under his control material to such hearing.

(Added by Stats. 1955, Ch. 1797.)

24367.6. A subpoena to appear before the hearing board shall be served in the same manner as a subpoena in a civil action.

(Added by Stats. 1955, Ch. 1797.)

24367.7. Whenever any person duly subpoenaed to appear and give evidence or to produce any books and papers before the hearing board neglects or refuses to appear, or to produce any books and papers, as required by the subpoena, or refuses to testify or to answer any question which the hearing board decides is proper and pertinent, he shall be deemed in contempt, and the hearing board shall report the fact to the judge of the superior court of the county in which the person resides.

(Added by Stats. 1955, Ch. 1797.)

24367.8. Upon receipt of the report, the judge of the superior court shall issue an attachment directed to the sheriff of the county where the witness was required to appear and testify, commanding the sheriff to attach such person and forthwith bring him before the judge who ordered the attachment issued.

(Added by Stats. 1955, Ch. 1797.)

24367.9. On the return of the attachment and the production of the body of the defendant, the judge has jurisdiction of the matter. The person charged may purge himself of the contempt in the same way, and the same proceeding shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court.

(Added by Stats. 1955, Ch. 1797.)

24367.10. Every member of the hearing board may administer oaths in every hearing in which he participates, and at any hearing the hearing board may require all or any witnesses to be sworn before testifying.

(Added by Stats. 1955, Ch. 1797.)

24367.11. The hearing board may adopt rules for the conduct of its hearings not inconsistent with this chapter. Such rules shall so far as practicable conform to the rules for administrative adjudication by state agencies in Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1959, Ch. 698; repealed and added by Stats. 1961, Ch. 1122.)

24367.12. (Added by Stats. 1955, Ch. 1797; repealed by Stats. 1961, Ch. 1122.)

24367.13. (Added by Stats. 1955, Ch. 1797; amended by Stats. 1957, Ch. 847; repealed by Stats. 1961, Ch. 1122.)

24367.30. (Added by Stats. 1959, Ch. 1915, in Art. 14, Ch. 2.6, Div. 20. Erroneously numbered. Amended and renumbered 24376.30, by Stats. 1961, Ch. 70; repealed by Stats. 1961, Ch. 96.)

Article 13.5. Enforcement

(Article 13.5 added by Stats. 1961, Ch. 1122)

24368. Whenever the hearing board finds that any person is in violation of Section 24360, Section 24362.4, or any order, rule or regulation of the board, and that no variance is justified and that a reasonable time has been allowed for compliance, the hearing board shall make a decision setting forth findings of fact and such conclusions of law as are required in view of the issues submitted. The decision shall contain an order for abatement. The order for abatement shall be framed in the manner of a writ of injunction requiring the respondent to refrain from a particular act. The order may be conditional and require a respondent to refrain from a particular act unless certain conditions are met. The order shall not have the effect of permitting a variance unless all the conditions for a variance, including limitation of time, are met.

(Added by Stats. 1961, Ch. 1122.)

24368.1. The hearing board shall announce its decision in the form of a draft before filing. Copies of the draft shall be mailed to the parties or their attorneys. The hearing board may direct the prevailing party to prepare a form of decision. Any party may file objections to the draft with the hearing board within 10 days after mailing.

(Added by Stats. 1961, Ch. 1122.)

24368.2. After objections, if any, have been considered by the hearing board or a hearing has been held thereon, if the hearing board finds it necessary, the hearing board shall file its decision with its clerk, who shall give notice of such filing to the parties or their attorneys.

(Added by Stats. 1961, Ch. 1122.)

24368.3. The decision shall become effective 30 days after it is filed unless:

(a) A rehearing is granted by the hearing board.

(b) The hearing board orders that it be made effective sooner.

(Added by Stats. 1961, Ch. 1122.)

24368.4. Judicial review may be had by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure. Except as otherwise provided in this section, any such petition shall be filed within 30 days after the last day on which reconsideration can be ordered. The right to petition shall not be affected by the failure to seek reconsideration before the hearing board. The complete record of the proceedings, or such parts thereof as are designated by the petitioner, shall be prepared by the hearing board and shall be delivered to the petitioner within 30 days after a request therefor by him, upon payment of the fee specified in Section 69950 of the Government Code, as now or hereinafter amended, for the transcript, the cost of preparation of other portions of the record, and for certification thereof. The complete record includes the pleadings, all notices and orders issued by the

hearing board, any proposed decision by the hearing board, the final decision, a transcript of all proceedings, the exhibits admitted or rejected, the written evidence and any other papers in the case. Where petitioner, within 10 days after the last day on which reconsideration can be ordered, requests the hearing board to prepare all or any part of the record, the time within which a petition may be filed shall be extended until five days after its delivery to him. The hearing board may file with the court the original of any document in the record in lieu of a copy thereof.

(Added by Stats. 1961, Ch. 1122; amended by Stats. 1963, Ch. 278.)

24368.5. In any proceeding pursuant to Section 24368.4, the court shall receive in evidence any order, rule or regulation of the board, any transcript of the proceedings before the hearing board, and such further evidence as the court in its discretion deems proper.

(Added by Stats. 1961, Ch. 1122.)

24368.6. A proceeding for mandatory or prohibitory injunction shall be brought by the district in the name of the people of the State of California in the superior court of the county in which the violation occurs to enjoin any person to whom an order for abatement pursuant to Section 24368 has been directed and who violates such order.

(Added by Stats. 1961, Ch. 1122.)

24368.7. Proceedings under Section 24368.6 shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that it shall not be necessary to show lack of adequate remedy at law or to show irreparable damage or loss. In any such proceeding, if it shall be shown that an order for abatement has been made, that it has become final, and that its operation has not been stayed, it shall be sufficient proof to warrant the granting of a preliminary injunction. If in addition it shall be shown that the respondent continues or threatens to continue to violate such order for abatement, it shall be sufficient proof to warrant the immediate granting of a temporary restraining order.

(Added by Stats. 1961, Ch. 1122.)

Article 14. Financial Provisions

(Article 14 added by Stats. 1955, Ch. 1797)

24370. The district may borrow money and incur indebtedness in anticipation of the revenue for the current year in which the indebtedness is incurred or of the ensuing year. Such indebtedness shall not exceed the total amount of the estimate of the tax income for either the current year or the ensuing year.

(Added by Stats. 1955, Ch. 1797.)

24370.1. Before the fifteenth day of June of each year the board shall estimate and determine the amount of money

required by the district for purposes of the district during the ensuing fiscal year and shall apportion this amount to the counties included within the district, one-half according to the relative value of the real estate of each county within the district as determined by the board and one-half in the proportion that the population of each county bears to the total population of the district. For the purposes of this section the board shall base its determination of the population of the several counties on the latest official information available to it. The total amount of money required by the district for district purposes during any one fiscal year shall not exceed one cent (\$0.01) on each one hundred dollars (\$100) of the assessed valuation of all the property included within the district.

(Added by Stats. 1955, Ch. 1797.)

24370.2. On or before the fifteenth day of June of each year, the board shall inform the boards of supervisors of each county of the amount apportioned to the county. Each board of supervisors shall levy an ad valorem tax on the taxable property, but not including intangible personal property, within the county included within the district sufficient to secure the amount so apportioned to it and such taxes shall be levied and collected together with, and not separately from, the taxes for county purposes and paid to the treasurer of each of the counties to the credit of the district.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1957, Ch. 1415.)

24370.3. Taxes levied by the board of supervisors for the benefit of the district shall be a lien upon all property within such county lying within the district and shall have the same force and effect as other liens for taxes. Their collection may be enforced in the same manner as liens for county taxes are enforced.

(Added by Stats. 1955, Ch. 1797.)

24370.4. At any time prior to the first receipt by the district of revenues from taxation, the counties within the district may loan any available money to the district for purposes of organization and operation and such expenditures shall constitute a proper expenditure of county funds. The board shall add the sums of money so borrowed from the counties to the first amount apportioned by the board pursuant to Section 24370.1, and shall repay the counties for all money borrowed from the first revenues received from taxation.

(Added by Stats. 1955, Ch. 1797.)

24370.5. The treasurers of the several counties within the district shall pay into the district treasury all funds held by them to the credit of the district.

(Added by Stats. 1955, Ch. 1797.)

24370.6. The district treasury shall be in the custody of the county treasurer of a county in the district designated by the board and such treasurer shall be the district treasurer.

(Added by Stats. 1955, Ch. 1797.)

24370.7. The district board shall, in carrying out the provisions of this article, comply as nearly as possible with the provisions of Chapter 1 of Division 3 of Title 3 of the Government Code.

(Added by Stats. 1955, Ch. 1797.)

Article 15. Dissolution

(Article 15 added by Stats. 1955, Ch. 1797)

24372. A district may be dissolved in the following manner:

1. The boards of supervisors of the counties containing more than fifty percent (50%) of the population of the entire district shall adopt a resolution stating that the existence of the district is no longer necessary or desirable for the public welfare, and announcing the intention to withdraw therefrom and to dissolve the district.

2. The resolutions so adopted shall be communicated to the clerks of the boards of supervisors of all counties comprising the district and also to the board.

3. If it appears that the resolutions were adopted by the boards of supervisors in the counties desiring to withdraw, and that such counties contain more than fifty percent (50%) of the entire population in the district, the board, by resolution, shall call an election to determine the question of dissolution. The resolution shall state the time and place and purpose thereof, establish election precincts, designate polling places, and appoint election officers and, in all respects not provided in this section, the election shall be held and conducted, as nearly as practicable, in the same manner as elections for county officers in the counties. In the event such election shall be consolidated with any other election, the resolution calling the election hereunder need not describe the precincts, polling places, or appoint officers of election, but may refer to the ordinance, order, resolution or notice calling or providing for such other election, or listing or designating the precincts, polling places, and election officers therefor for the precincts, polling places and officers of election for the election called hereunder. Such resolution shall be published pursuant to Section 6066 of the Government Code in each county within the district and the first publication shall be at least 30 days prior to the date of election.

4. If a majority of the qualified electors voting at such election vote in favor of such dissolution, the board shall declare the results of the election, proceed to wind up the affairs of the district, and pay all indebtedness thereof. Any surplus funds shall be paid over to the counties in which the district lies in proportion to the amount last previously apportioned by the board to each county for purposes of levying taxes. The board shall exercise only such powers and secure such revenue from

taxation as shall be necessary to wind up the affairs of the district.

5. Upon the completion of the process of winding up the affairs of the district, the board shall, by resolution, entered upon its minutes, declare the district dissolved. A certified copy of such resolution shall be filed with the county recorder of each county within the district and with the Secretary of State. Upon the adoption of such resolution the district shall be dissolved.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1957, Ch. 357.)

Article 16. Claims

(Article 16 added by Stats. 1959, Ch. 1727)

24374. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727; amended by Stats. 1963, Ch. 1715. See note following Section 954.)

CHAPTER 2.6. (Added by Stats. 1959, Ch. 1915; repealed by Ch. 96, Stats. 1961.)

NOTE: Chapter 2.6 consisting of Sections 24375 to 24376.30 was added by Stats. 1959, Ch. 1915, and repealed by Stats. 1961, Ch. 96. The Statutory Record may be consulted to determine the history of any particular section of Chapter 2.6 prior to the enactment of Stats. 1961, Ch. 96.

Stats. 1961, Ch. 2012 added an Article 15, consisting of Section 24376.40, to Chapter 2.6, which was repealed by Stats. 1963, Ch. 278.

CHAPTER 3. MOTOR VEHICLE POLLUTION CONTROL

(Chapter 3 added by Stats. 1939, Ch. 106, as part of codification; repealed by Stats. 1957, Ch. 205; added by Stats. 1960 (1st Ex. Sess.), Ch. 23. See note following Section 24378)

Article 1. Application

(Article 1 added by Stats. 1960 (1st Ex. Sess.), Ch. 23.
See note following Section 24378)

24378. The Legislature finds and declares:

(a) That the emission of pollutants from motor vehicles is a major contributor to air pollution in many portions of the State;

(b) That the control and elimination of such pollutants is of prime importance for the protection and preservation of the public health and well-being, and for the prevention of irritation to the senses, interference with visibility, and damage to vegetation and property.

(c) That, as the Department of Public Health has established standards for air quality and for emissions of contaminants from motor vehicles pursuant to Sections 426.1 and

426.5, the State has a responsibility to establish uniform procedures for compliance with these standards.

(Added by Stats. 1960 (1st Ex. Sess.), Ch. 23.)

NOTE: Stats. 1960 (1st Ex. Sess.), Ch. 23, also contains the following provisions:

SEC. 5. The sum of five hundred thousand dollars (\$500,000) is appropriated from the General Fund in augmentation of Item 195, Budget Act of 1960, for support of the State Department of Health in carrying out the provisions of Chapter 3 (commencing at Section 24378), Division 20 of the Health and Safety Code.

SEC. 6. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

24379. (a) As used in this chapter the following terms shall be construed as defined in the Vehicle Code:

- (1) Commercial vehicle
- (2) Implement of husbandry
- (3) Motor vehicle
- (4) Motor-driven cycle
- (5) Used vehicle
- (6) Passenger vehicle

(b) As used in this chapter, "motor vehicle pollution control device" means equipment designed for installation on a motor vehicle for the purpose of reducing the pollutants emitted from the vehicle, or a system or engine modification on a motor vehicle which causes a reduction of pollutants emitted from the vehicle.

(c) As used in this chapter, "certified device" means a motor vehicle pollution control device for the control of emissions of pollutants from a vehicle from a particular source of emissions from the vehicle, including, but not limited to, the exhaust system, the crankcase, the carburetor, and the fuel tank, for which standards have been set by the state department under Section 426.5 and for which a certificate of approval has been issued by the Motor Vehicle Pollution Control Board. Whenever under this chapter or any other law a motor vehicle is required to be equipped with a certified device, such requirement refers to the certified device for the control of emissions of pollutants from the particular source involved.

(Added by Stats. 1960 (1st Ex. Sess.), Ch. 23. See note following Section 24378. Amended by Stats. 1963, Ch. 999.)

24380. (Added by Stats. 1939, Ch. 106, as part of codification; repealed by Stats. 1957, Ch. 205.)

24381. The provisions of this chapter shall not apply to any motor vehicle manufactured in the year 1938 or prior thereto, if such motor vehicle is operated or moved over the highway solely for the purpose of taking it to a place for historical exhibition or other similar purpose.

(Added by Stats. 1939, Ch. 106, as part of codification; repealed by Stats. 1957, Ch. 205; added by Stats. 1963, Ch. 40.)

24382. (Added by Stats. 1939, Ch. 106, as part of codification; repealed by Stats. 1957, Ch. 205.)

Article 2. Motor Vehicle Pollution Control Board
(Article 2 added by Stats. 1960 (1st Ex. Sess.), Ch. 23.
See note following Section 24378)

24383. There is in the State Department of Public Health a Motor Vehicle Pollution Control Board. The board shall be responsible directly to the Governor. Administrative services for the board shall be provided by the State Department of Public Health. The board shall consist of 13 members, nine of whom shall be appointed by the Governor with the consent of the Senate, and four shall be the following officers of the State, or their nominees: Director of Public Health, Director of Agriculture, Commissioner of the California Highway Patrol, and Director of Motor Vehicles.

(Added by Stats. 1939, Ch. 106, as part of codification; repealed by Stats. 1957, Ch. 205; added by Stats. 1960 (1st Ex. Sess.), Ch. 23. See note following Section 24378.)

24384. (a) Of the nine members originally appointed by the Governor, three shall be appointed to serve until July 1, 1962, three shall be appointed to serve until July 1, 1963, and three shall be appointed to serve until July 1, 1964. Thereafter, all members shall be appointed for a term of four years. All members shall hold office until the appointment of their successors. Any vacancies shall be immediately filled by the Governor for the unexpired portion of the terms in which they occur.

(b) Members of the Motor Vehicle Pollution Control Board shall serve without compensation, but each member shall be reimbursed for his necessary traveling and other expenses incurred in the performance of his official duties.

(c) The members of the board appointed by the Governor shall be selected in such a fashion that the interests of various affected groups throughout the State, including agriculture, labor, organizations of motor vehicle users, the motor vehicle industry, science, air pollution control officials and the general public are represented to the fullest extent possible.

(Added by Stats. 1939, Ch. 106, as part of codification; repealed by Stats. 1957, Ch. 205; added by Stats. 1960 (1st Ex. Sess.), Ch. 23. See note following Section 24378.)

24385. The Motor Vehicle Pollution Control Board shall select annually from its membership a chairman and vice chairman. Only those members who have been appointed by the Governor shall be eligible for these offices.

(Added by Stats. 1939, Ch. 106, as part of codification; repealed by Stats. 1957, Ch. 205; added by Stats. 1960 (1st Ex. Sess.), Ch. 23. See note following Section 24378.)

24385.5. All meetings of the board shall be open and public and all persons shall be permitted to attend any meetings of the board.

(Added by Stats. 1961, Ch. 566.)

24386. The Motor Vehicle Pollution Control Board shall have the powers and authority necessary to carry out the duties imposed on it by this chapter, including, but not limited to, the following:

(1) To adopt rules and regulations in accordance with the provisions of the Administrative Procedure Act (commencing at Section 11370 of the Government Code), necessary for proper execution of the powers and duties granted to, and imposed upon the board by this chapter.

(2) To employ such technical and other personnel as may be necessary for the performance of its powers and duties.

(3) To determine and publish the criteria for approval of motor vehicle pollution control devices. In determining the criteria the board shall take into consideration the cost of the device and its installation, its durability, the ease and facility of determining whether the device, when installed on a motor vehicle, is properly functioning, and any other factors which, in the opinion of the board, render such a device suitable or unsuitable for the control of motor vehicle air pollution or for the health, safety, and welfare of the public.

(4) To issue certificates of approval for any motor vehicle pollution control device where, after being tested by the board or tested and recommended by a laboratory designated by the board as an authorized vehicle pollution control testing laboratory, the board finds that the device operates within the standards set by the state department under Section 426.5 and meets the criteria adopted under subdivision (3) of this section.

(5) To exempt from Article 3 of this chapter designated classifications of motor vehicles for which certified devices are not available, and motor vehicles whose emissions are found by appropriate tests to meet state standards without additional equipment, and motor-driven cycles, implements of husbandry, and vehicles which qualify for special license plates under Section 5004 of the Vehicle Code.

(6) To revoke, suspend, or restrict a certificate of approval previously issued or an exemption previously granted, upon a determination by the board that the device or motor vehicle no longer operates within the standards set by the state department under Section 426.5 or no longer meets the criteria adopted under subdivision (3) of this section or no longer should be exempted. Provided that once any motor vehicle is equipped with a certified device it shall not thereafter be deemed to be in violation of this chapter or Section 27156 of the Vehicle Code because a certificate of approval for such device is subsequently revoked, suspended, or restricted, and replacement parts for such device may continue to be supplied and used for such vehicle, unless such revocation, suspension or restriction of a certificate of approval is based upon a finding that the certified device has been found to be unsafe in actual use or is otherwise mechanically defective, in which

event such motor vehicle must be brought into compliance with this chapter within 30 days after such finding.

(7) Proceedings under this chapter with respect to the denial of applications for the issuance of certificates of approval or the granting of exemptions, or for the revocation, suspension, or restriction of certificates of approval previously issued, or exemptions previously granted, by the board shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, and the board shall have all the powers granted therein.

(Added by Stats. 1960 (1st Ex. Sess.), Ch. 23. See note following Section 24378. Amended by Stats. 1963, Ch. 40 and Ch. 999.)

24386.5. The Motor Vehicle Pollution Control Board shall submit a report to the Governor and the Legislature not later than 10 calendar days following the commencement of each general session of the Legislature covering the board's recommendations concerning such legislation and other action as is necessary for the implementation and enforcement of this chapter. The board shall submit its first report to the Governor and the Legislature at the 1961 General Session.

(Added by Stats. 1960 (1st Ex. Sess.), Ch. 23. See note following Section 24378.)

24387. The Motor Vehicle Pollution Control Board shall adopt regulations specifying the manner in which a motor vehicle pollution control device shall be submitted for testing and certification.

(Added by Stats. 1960 (1st Ex. Sess.), Ch. 23. See note following Section 24378.)

24388. Whenever the Motor Vehicle Pollution Control Board issues certificates of approval for two or more devices for the control of emissions of pollutants from a particular source of emissions from motor vehicles for which standards have been set by the state department under Section 426.5, it shall so notify the Department of Motor Vehicles.

(Added by Stats. 1960 (1st Ex. Sess.), Ch. 23. See note following Section 24378. Amended by Stats. 1963, Ch. 999.)

Article 3. Compliance

(Article 3 added by Stats. 1960 (1st Ex. Sess.), Ch. 23.

See note following Section 24378)

24389. (a) As used in this article "the certification date," with respect to certified devices to control emissions of pollutants from a particular source of emissions from motor vehicles, means the date on which the Motor Vehicle Pollution Control Board notifies the Department of Motor Vehicles that it has issued certificates of approval for two or more devices for the control of emissions from such source. There shall be a separate certification date each time the state department sets standards for the control of emissions of pollu-

tants from a particular source of emissions from motor vehicles and the board notifies the Department of Motor Vehicles that it has issued certificates of approval for two or more devices for the control of emissions from such source.

(b) As used in this article "principal vehicle location" means (1) for passenger vehicles owned by a person (as distinguished from a firm, copartnership, association, or corporation), the county in which the owner resides; (2) for commercial vehicles, and passenger vehicles registered in the name of a firm, copartnership, association, or corporation (as distinguished from a person), that county or counties in which the vehicle will be operated during the greatest portion of time during the period for which registered. If the vehicle referred to in subdivision (2) of subsection (b) operates the greatest portion of time in more than one county in which the provisions of Sections 24391, 24392 and 24393 are operative, the principal vehicle location shall be designated as one of the counties in which the provisions of Sections 24391, 24392 and 24393 are operative.

(c) Where only a portion of a county is located within an air pollution control district of the class described in subdivision (b) of Section 24394 and where Sections 24391, 24392 and 24393 are operative in only one portion of the county, the principal vehicle location shall be determined with respect to the portion of the county in which the owner resides or in which the vehicle is operated, respectively.

(Added by Stats. 1960 (1st Ex. Sess.), Ch. 23. See note following Section 24378. Amended by Stats. 1963, Ch. 999.)

24390. (a) No new motor vehicle shall be registered in this State after one year after the certification date unless and until the motor vehicle is equipped with a certified device to control emissions of pollutants from the crankcase.

(b) No new motor vehicle shall be registered in this State after the certification date for any certified device, except a device to control emission of pollutants from the crankcase, unless and until the motor vehicle is equipped with such a certified device. Provided, that this subdivision shall be first applicable to new motor vehicles only on a model year basis, and then only when 12 months shall have intervened between the time of such certification date and the introduction of such model year vehicle for sale.

(Added by Stats. 1960 (1st Ex. Sess.), Ch. 23. See note following Section 24378. Amended by Stats. 1963, Ch. 999.)

24391. (a) No used motor vehicle, except those specifically exempted, upon transfer of registered owner shall be registered after one year after the certification date unless and until the motor vehicle is equipped with a certified device.

(b) No used motor vehicle, except those specifically exempted, shall be registered after one year after the certification date for any certified device, other than a device to control the emission of pollutants from the crankcase, unless and until

it is equipped with such a device in accordance with an installation schedule established by the board.

(Added by Stats. 1960 (1st Ex. Sess.), Ch. 23. See note following Section 24378. Amended by Stats. 1963, Ch. 999.)

24392. (a) For the purpose of this section the 10 months of January 1964 through October 1964 shall be considered as numbered consecutively from 1 through 10.

(b) Each commercial motor vehicle, except those specifically exempted, or previously so equipped, shall, during the calendar year 1964, be equipped with a certified device to control emission of pollutants from the crankcase during or prior to the month in which the last digit of its license number corresponds with the number assigned to such month in subdivision (a).

(c) No commercial motor vehicle, except those specifically exempted, shall be registered after December 1, 1964, unless and until it is equipped with a certified device to control emission of pollutants from the crankcase.

(Added by Stats. 1960 (1st Ex. Sess.), Ch. 23. See note following Section 24378. Amended by Stats. 1963, Ch. 999.)

24393. (a) For the purpose of this section, the 10 months of January 1965 through October 1965 shall be considered as numbered consecutively from 1 through 10.

(b) Each passenger motor vehicle, except those specifically exempted, or previously so equipped, shall, during the calendar year 1965, be equipped with a certified device to control emission of pollutants from the crankcase during or prior to the month in which the last digit of its license number corresponds with the number assigned to such month in subdivision (a).

(c) No passenger motor vehicle, except those specifically exempted, shall be registered after December 31, 1965, unless and until it is equipped with a certified device to control emissions of pollutants from the crankcase.

(Added by Stats. 1960 (1st Ex. Sess.), Ch. 23. See note following Section 24378. Amended by Stats. 1963, Ch. 999.)

24394. (a) In any county which is not, in whole or in part, included within the boundaries of an air pollution control district created by special law to include the area of two or more counties, the board of supervisors may determine, in the manner provided in this section, that the provisions of Sections 24391, 24392 and 24393 are unnecessary for the accomplishment of the purposes of this chapter and that those sections shall not be operative within that county.

The board of supervisors may hold a hearing to determine the existence and extent of motor vehicle created air pollution in the county. In determining the existence and extent of air pollution, the air quality standards established by the State Department of Public Health shall be used. The board of supervisors may, at the completion of the public hearing, and

on the basis of its finding as to air quality in the county, determine and adopt a resolution declaring that the provisions of Sections 24391, 24392 and 24393 are unnecessary for the preservation of air quality and that those sections shall not be operative within the county. A copy of each such resolution shall be filed with the Motor Vehicle Pollution Control Board and the Department of Motor Vehicles.

(b) In each county which is included within the boundaries of an air pollution control district created by special law to include the area of two or more counties the governing body of the district may, by following the procedures set forth in subdivision (a) of this section, on a districtwide basis, (rather than the board of supervisors of each county included within the district) determine that the provisions of Sections 24391, 24392 and 24393 shall not be operative within the district.

(c) Where only a portion of a county is located within an air pollution control district of the class described in subdivision (b) of this section, the board of supervisors of that county may, by following the procedures set forth in subdivision (a) of this section determine that the provisions of Sections 24391, 24392 and 24393 shall not be operative within that portion of the county not included in the air pollution control district.

(d) Thereafter the board of supervisors, or governing body, of each such county (or portion thereof) or district in which the provisions of Sections 24391, 24392 and 24393 are not operative, shall hold such a public hearing at least every two years and may adopt a resolution declaring that the provisions of Sections 24391, 24392 and 24393 are necessary for the preservation of air quality and that those sections shall be operative within the county (or portion thereof) or district, respectively. Thereupon the provisions of Sections 24391, 24392 and 24393 shall be operative in the county (or portion thereof) or district. A copy of each such resolution shall be filed with the Motor Vehicle Pollution Control Board and the Department of Motor Vehicles.

(e) The Motor Vehicle Pollution Control Board shall notify the board of supervisors of every county, no later than October 1 of every odd-numbered year, commencing in 1963, of the provisions and requirements of this section.

(Added by Stats. 1960 (1st Ex. Sess.), Ch. 23. See note following Section 24378. Amended by Stats. 1963, Ch. 999.)

24394.3. The board of supervisors or the governing body of the district, respectively, shall give notice of the time and place of each such public hearing by publication twice in a newspaper of general circulation in each county affected not less than 15 days before, and not more than 45 days before such hearing.

(Added by Stats. 1960 (1st Ex. Sess.), Ch. 23. See note following Section 24378.)

24395. No person shall sell, display, advertise, or represent as a certified device any device which, in fact, is not a certified device. After the certification date, no person shall install or sell for installation upon any motor vehicle any motor vehicle pollution control device which has not been certified by the Motor Vehicle Pollution Control Board.

(Added by Stats. 1960 (1st Ex. Sess.), Ch. 23. See note following Section 24378.)

24396. Any violation of this article is a misdemeanor.

(Added by Stats. 1960 (1st Ex. Sess.), Ch. 23. See note following Section 24378.)

Article 4. Authorized Motor Vehicle Pollution Control Testing Laboratories

(Article 4 added by Stats. 1960 (1st Ex. Sess.), Ch. 23.

See note following Section 23478)

24397. The Motor Vehicle Pollution Control Board may designate such laboratories as it finds are qualified and equipped to analyze and determine, on the basis of the standards established by the board, devices which are so designed and equipped to meet the standards set by the state department under Section 426.5 and the criteria established by the Motor Vehicle Pollution Control Board.

(Added by Stats. 1960 (1st Ex. Sess.), Ch. 23. See note following Section 24378.)

24398. The Motor Vehicle Pollution Control Board may contract for the use of, or the performance of the tests or other services by, a laboratory or laboratories operated by any public or private agency, within or without the State. All testing of devices by the board for purposes of certification shall be performed pursuant to such contracts.

(Added by Stats. 1960 (1st Ex. Sess.), Ch. 23. See note following Section 24378.)

CHAPTER 4. ABANDONED EXCAVATIONS

24400. Every person owning land in fee simple or in possession thereof under lease or contract of sale who knowingly permits the existence on the premises of any abandoned mining shaft, pit, well, septic tank, cesspool, or other abandoned excavation dangerous to persons legally on the premises, or to minors under the age of twelve years, who fails to cover or fence securely any such dangerous abandoned excavation and keep it so protected, is guilty of a misdemeanor.

(Amended by Stats. 1949, Ch. 136.)

24401. The board of supervisors may order securely covered or fenced abandoned mining excavations on unoccupied public lands in the county.

24402. The board of supervisors shall order securely fenced or covered any abandoned mining shaft, pit, or other excavation on unoccupied land in the county whenever it appears to them, by proof submitted, that the excavation is

dangerous or unsafe to man or beast. The cost of covering or fencing is a county charge.

24403. Every person who maliciously removes or destroys any covering or fencing placed around any shaft, pit, or other excavation, as provided in this article, is guilty of a misdemeanor.

CHAPTER 5. MISCELLANEOUS PENAL PROVISIONS

24800. Every person charged with the performance of any duty under the laws of this State relating to the preservation of the public health, who wilfully neglects or refuses to perform the same, is guilty of a misdemeanor.

CHAPTER 6. SEPTIC TANKS, CHEMICAL TOILETS, CESSPOOLS AND SEEPAGE PITS

(Chapter 6 added by Stats. 1945, Ch. 1015. Chapter title amended by Stats. 1963, Ch. 1277)

25000. The provisions of this chapter shall not apply to any city, town, county, sanitary district, sanitation district, sewer maintenance district or to any agency or institution of the State or the federal government by reason of the cleaning of septic tanks, chemical toilets, cesspools, sewage seepage pits or sewage works which are owned and operated by any of said governmental agencies or institutions.

(Added by Stats. 1945, Ch. 1015; amended by Stats. 1963, Ch. 1277.)

25001. It is unlawful for any person or firm to carry on or engage in the business of the cleaning of septic tanks, chemical toilets, cesspools or sewage seepage pits or to dispose of the cleanings therefrom in any city, town, county, or city and county unless he or it shall hold an unrevoked registration issued by the local health officer or his duly authorized representative of said city, town, county, or city and county for the carrying on of said business.

(Added by Stats. 1945, Ch. 1015; amended by Stats. 1963, Ch. 1277.)

25002. It is unlawful for any person to clean septic tanks, chemical toilets, cesspools or sewage seepage pits or to dispose or aid in the disposal of the cleanings thereof, for any person or firm engaged in the business of cleaning out septic tanks, chemical toilets, cesspools or sewage seepage pits or disposing of the cleanings thereof who does not hold an unrevoked registration as provided in this chapter.

(Added by Stats. 1945, Ch. 1015; amended by Stats. 1963, Ch. 1277.)

25003. All applications for registration under this chapter shall be filed with the local health officer in the city, town, county, or city and county in which it is desired to carry on the business. The application shall state the name in full, if a partnership then names of each of the partners, the rela-

tion of the applicant to the firm or partnership, the place of business and place of residence of the applicant for registration and of each of the partners in the business, if a partnership, and shall state the exact location of the place at which it is proposed to dispose of cleanings. The application shall be signed by the authorized officer of a corporation, if a corporation; or by the managing partner, if a partnership.

(Added by Stats. 1945, Ch. 1015; amended by Stats. 1957, Ch. 205.)

25004. Registration shall be issued only after a satisfactory examination by the health officer or his duly authorized representative covering the equipment to be used, the applicant's knowledge of sanitary principles and of the laws and ordinances affecting human health or nuisances, and the reliability of the applicant in observing sanitary laws, ordinances and directions, and in selecting laborers and employees who may clean out septic tanks, chemical toilets, cesspools and sewage seepage pits without endangering human health or comfort; and only after examination of the place or places and manner of disposal of the cleanings proposed by said applicant.

(Added by Stats. 1945, Ch. 1015; amended by Stats. 1963, Ch. 1277.)

25005. The health officer is required to act upon each application within thirty (30) days of the date of filing same.

(Added by Stats. 1945, Ch. 1015.)

25006. Registration shall be only for the unexpired portion of the calendar year in which application is made, and at the end of the calendar year all registrations shall become void and of no effect.

(Added by Stats. 1945, Ch. 1015.)

25007. Applicants may be registered under such terms, conditions, orders and directions as the health officer or his duly authorized representative may deem necessary for the protection of human health and comfort. Each health officer and his duly authorized representative are hereby empowered to require any and all persons who are registered with him to clean septic tanks, cesspools or sewage seepage pits or to dispose of the cleanings therefrom, to file with the health officer at any time and at such frequency or intervals as he may desire, a statement giving the name and address of the owner or tenant of each and every one of the premises where a septic tank, cesspool or sewage seepage pit shall have been cleaned out by said registrant or his employees or by others on his behalf and said statement shall also describe in precise terms the place where the cleanings shall have been disposed of and by whom. The health officer is empowered to require such statements to be sworn to before a notary.

(Added by Stats. 1945, Ch. 1015; amended by Stats. 1963, Ch. 1277.)

25008. A change of address of any registrant including a member of a partnership which is registered and of the place

of business thereof shall be reported in writing by registered mail by the registrant within two days after said change of address.

(Added by Stats. 1945, Ch. 1015.)

25009. Any registration issued under this chapter may be revoked by the issuing health officer for cause on 10 days' notice to applicant, which notice shall be served by registered mail or in person at the latest place of residence or of business reported by the applicant.

(Added by Stats. 1945, Ch. 1015.)

25010. Violation of any of the provisions of this chapter or of any order or orders of a health officer made pursuant to this chapter for the protection of human health and comfort shall constitute a misdemeanor and shall be punishable by a fine of not less than one hundred dollars (\$100) for each offense or by imprisonment for not less than thirty (30) days or by both such fine and imprisonment.

(Added by Stats. 1945, Ch. 1015.)

CHAPTER 7. CONTROL OF RADIOACTIVE CONTAMINATION OF THE ENVIRONMENT

(Chapter title added by Stats. 1955, Ch. 1868; amended
by Stats. 1961, Ch. 820)

25600. The Legislature finds and declares that radioactive contamination of the environment may subject the people of the State of California to unnecessary exposure to ionizing radiation unless it is properly controlled. It is therefore declared to be the policy of this State that the State Department of Public Health initiate and administer necessary programs of surveillance and control of those activities which could lead to the introduction of radioactive materials into the environment.

(Added by Stats. 1955, Ch. 1868; amended, renumbered, and added by Stats. 1961, Ch. 820.)

25600.5. As used in this chapter the following terms have the meanings described in this section:

(a) "Department" means the State Department of Public Health.

(b) "Environment" means all places outside the control of the person responsible for the radioactive materials.

(c) "Field tracer study" is any project, experiment, or study which includes provision for deliberate introduction of radioactive material into the environment for experimental or test purposes.

(d) "Person" includes any association of persons, copartnership or corporation.

(e) "Radiation," or "ionizing radiation," means gamma rays and X-rays; alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

(f) "Radioactive material" means any material or combination of materials that spontaneously emits ionizing radiation.

(g) "Radioactive waste" means any radioactive material that is discarded as nonusable.

(h) "Significant" or "significantly," as applied to radioactive contamination, means such concentrations or amounts of radioactive material as are likely to expose persons to ionizing radiation equal to or greater than the guide levels published by the Federal Radiation Council.

(i) "Radiological monitoring" means the measurement of the amounts and kinds of radioactive materials in the environment.

(Amended and renumbered by Stats. 1961, Ch. 820. Formerly 25600.)

25601. No person shall bury, throw away, or in any manner dispose of radioactive wastes within the State except in such a manner and at such locations as will result in no significant radioactive contamination of the environment.

(Added by Stats. 1955, Ch. 1868; amended by Stats. 1961, Ch. 820.)

25602. The department may, by written order, prohibit the disposal of radioactive wastes by any person when, upon investigation, it has determined that such disposal violates the provisions of Section 25601.

(Added by Stats. 1955, Ch. 1868.)

25603. The department may, by written order, prohibit the storage, packaging, transporting, or loading of radioactive wastes if there is a reasonable likelihood that such activities will result in significant radioactive contamination of the environment.

(Added by Stats. 1955, Ch. 1868; repealed and added by Stats. 1961, Ch. 820.)

25604. The person to whom an order has been issued pursuant to Section 25602 or 25603 may appeal the order of the department to any court of competent jurisdiction.

(Added by Stats. 1955, Ch. 1868; amended, renumbered, and added by Stats. 1961, Ch. 820.)

25605. The department may bring an action in a court of competent jurisdiction to enjoin the storage, packaging, transporting, loading, or disposal of radioactive wastes in violation of any written order issued by the department pursuant to Section 25602 or 25603. The court may, if it appears necessary, enjoin any person from using radioactive material who thereby produces radioactive waste which the court finds is being disposed of in violation of the provisions of this chapter.

(Added by Stats. 1961, Ch. 820. Formerly 25604.)

25606. The department shall maintain surveillance over the storage, packaging, transporting, and loading of radioactive waste within this State regardless of such waste's ultimate destination. In carrying out its duties under this section the department, with the approval of the Co-ordinator of Atomic Energy Development and Radiation Protection, shall enter

into agreement with the Division of Industrial Safety, and may enter into agreement with other state and local agencies, to conduct any appropriate inspection and enforcement activities. Any agreement with state and local agencies shall not duplicate work to be done pursuant to agreement with the Division of Industrial Safety, nor shall work done by the Division of Industrial Safety duplicate work agreed to be done by other state and local agencies.

(Added by Stats. 1961, Ch. 820.)

25607. No person shall operate a nuclear reactor, nuclear fuel reprocessing plant, or other installation, as defined by the department, which could, as a result of routine operations, accident, or negligence, significantly contaminate the environment with radioactive material, without first instituting and maintaining an adequate program of radiological monitoring. The proposed program shall be submitted to the department for review and acceptance as to its adequacy.

(Added by Stats. 1961, Ch. 820.)

25608. No person shall conduct any field tracer study unless detailed plans of such study have been approved by the department. In reviewing proposed field tracer studies, the department shall consider at least the following elements:

(a) That there is shown to be a substantial public interest in the information intended to be obtained by the study.

(b) That the study will be performed by persons or agencies competent to handle and use the radioactive material safely and with due regard for potential effects on public health.

(c) That the study is planned so as to impose the least possible exposure to ionizing radiation consistent with achieving the study's desired objectives.

(d) That there is no likelihood that any person will be exposed to ionizing radiation in excess of guide levels published by the Federal Radiation Council. The department may, as a condition to its approval of a field tracer study, require a representative of the department to be present during such study.

(Added by Stats. 1961, Ch. 820.)

25609. The department shall monitor radioactive materials in the environment, including radioactive materials in such media as air, milk, food, and water in such locations and with such frequency as the department may deem necessary to determine radiation exposure to the people of the State from such materials.

(Added by Stats. 1963, Ch. 1673.)

25610. The department shall, at least once per month, make public to news media the results of its monitoring of radioactive materials.

(Added by Stats. 1963, Ch. 1673.)

CHAPTER 7.3. TRANSPORTATION OF RADIOACTIVE MATERIALS
(Chapter 7.3 added by Stats. 1961, Ch. 1705)

25650. For the purposes of this chapter the term "radioactive materials" shall include any material or combination of materials that spontaneously emits ionizing radiation.

(Added by Stats. 1961, Ch. 1705.)

25651. The department shall adopt, in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, reasonable regulations which, in the judgment of the department, shall promote the safe transportation of radioactive materials. Such regulations shall prescribe the use of signs designating radioactive material cargo; may designate routes in this State which are to be used for the transportation of cargoes of hazardous radioactive materials, as defined by regulation, and the manner in which the shipper shall give notice of such shipment to appropriate authorities; and shall prescribe the packing, marking, loading and handling of radioactive materials, and the precautions necessary to determine whether the material when offered is in proper condition to transport, but shall not include the equipment and operation of the carrier vehicle. Such regulations shall be compatible with, but not more restrictive than, those established by the Atomic Energy Commission, the Interstate Commerce Commission, the Federal Aviation Agency or the United States Coast Guard.

(Added by Stats. 1961, Ch. 1705.)

25652. Regulations adopted by the department pursuant to Section 25651 may be enforced, within their respective jurisdictions, by any authorized representatives of the department, the Division of Industrial Safety of the Department of Industrial Relations, the Public Utilities Commission, the health department of any city or county, or any traffic officer as defined by Section 625 of the Vehicle Code.

(Added by Stats. 1961, Ch. 1705.)

25653. It is the legislative intention in enacting this chapter that the regulations adopted by the department pursuant to this chapter shall apply uniformly throughout the State, and no state agency, city, county, or other political subdivision of this State, including a chartered city or county, shall adopt or enforce any ordinance or regulation which is inconsistent with the regulations adopted by the department pursuant to this chapter.

(Added by Stats. 1961, Ch. 1705.)

25654. A violation of any regulation adopted by the department pursuant to Section 25651 is a misdemeanor.

(Added by Stats. 1961, Ch. 1705.)

CHAPTER 7.5. ATOMIC ENERGY DEVELOPMENT AND
RADIATION PROTECTION

(Chapter 7.5 added by Stats. 1959, Ch. 1819)

Article 1. Short Title

(Article 1 added by Stats. 1959, Ch. 1819)

25700. This chapter may be cited and shall be known as the California Atomic Energy Development and Radiation Protection Law.

(Added by Stats. 1959, Ch. 1819.)

25701. (Added by Stats. 1959, Ch. 899, to Chapter 8, below; amended and renumbered 25895 by Stats. 1961, Ch. 741.)

25702. (Added by Stats. 1959, Ch. 899, to Chapter 8, below; amended and renumbered 25896 by Stats. 1961, Ch. 741.)

Article 2. Declaration of Policy

(Article 2 added by Stats. 1959, Ch. 1819)

25710. The Legislature finds and declares that the peacetime uses of atomic energy and radiation can be instrumental in improving the health, welfare and economic productivity of the people of the State of California if properly utilized, and may be hazardous to the health and safety of the public if carelessly or excessively employed. It is therefore declared to be the policy of the State to:

(a) Encourage the constructive development of industries producing or utilizing atomic energy and radiation and to eliminate unnecessary exposure of the public to ionizing radiation.

(b) Have state agencies retain their traditional jurisdictions wherever possible.

(c) Have various departments and agencies of the State which are concerned with atomic energy and radiation and its various applications develop programs designed to protect the people of the State from unnecessary exposure to radiation.

(d) Assure the co-ordination of the programs of the state agencies and the laws, rules and regulations incident thereto and to insure the co-ordination of these activities with the development and regulatory activities of local agencies, other states and the Government of the United States, including the Atomic Energy Commission.

(e) Keep the public, labor, industry, and all other legitimate interests as completely informed as possible on all matters relating to peacetime atomic energy and radiation development and control in this State.

(Added by Stats. 1959, Ch. 1819.)

Article 3. Definitions

(Article 3 added by Stats. 1959, Ch. 1819)

25720. "Atomic energy" means all forms of energy released in the course of nuclear transformation.

(Added by Stats. 1959, Ch. 1819.)

25721. "Radiation" means any or all of the following forms of ionizing radiation: gamma rays, X-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other atomic or nuclear particles or rays, but does not include sound or radio waves, or visible, infrared, or ultraviolet light.

(Added by Stats. 1959, Ch. 1819.)

**Article 4. Co-ordinator of Atomic Energy
Development and Radiation Protection**

(Article 4 added by Stats. 1959, Ch. 1819)

25730. There is in the Office of the Governor the position of Co-ordinator of Atomic Energy Development and Radiation Protection who shall be appointed by, and serve at the pleasure of, the Governor. The co-ordinator may appoint such clerical and secretarial employees as are necessary to perform his duties and may fix their salaries, subject to the approval of the Director of Finance. The co-ordinator and his staff shall be known as the Office of Atomic Energy Development and Radiation Protection. The compensation of the co-ordinator shall be fixed by the Director of Finance. He shall be a full-time officer and shall serve as advisor to the Governor with respect to the development of atomic energy and radiation protection in the State.

(Added by Stats. 1959, Ch. 1819.)

25731. The co-ordinator shall perform the liaison function between the State and the Federal Government, including the United States Atomic Energy Commission, and between this State and other states in matters pertaining to atomic energy development and radiation protection.

(Added by Stats. 1959, Ch. 1819.)

25732. The co-ordinator shall co-ordinate the programs, and rules and regulations of the several departments and agencies of the State and the cities and counties relating to atomic energy development and radiation protection, and shall so far as may be practicable co-ordinate the studies conducted and the recommendations and proposals made in this State on these subjects with like activities in other states and by the Federal Government and with the policies and regulations of the United States Atomic Energy Commission.

The departments and agencies of the State which are concerned with atomic energy and radiation, their various applications and uses, and the cities and counties, shall keep the co-ordinator currently informed as to their activities and programs relating to atomic energy and radiation.

(Added by Stats. 1959, Ch. 1819.)

25733. No state department or other state agency shall adopt, amend or repeal any rule or regulation, except emergency rules or regulations, relating to atomic energy development or radiation protection unless and until the proposed rule or regulation, or amendment thereto, or repeal thereof, has been first submitted to the co-ordinator for such comments, recommendations, or suggestions he may deem necessary or desirable with respect thereto.

(Added by Stats. 1959, Ch. 1819.)

25734. No rule or regulation applying to atomic energy development or radiation protection or amendment thereto or repeal thereof which any state agency may propose to adopt, unless it be an emergency regulation, shall be noticed under the provisions of Section 11423 of the Government Code prior to 30 days after it has been submitted to the co-ordinator, unless the co-ordinator in writing waives all or a portion of the 30-day period.

(Added by Stats. 1959, Ch. 1819; amended by Stats. 1961, Ch. 1065.)

25734.5. Whenever the co-ordinator determines that an existing or proposed rule or regulation is inconsistent with any rule or regulation of another agency of the State, he shall consult with the Advisory Council on Atomic Energy Development and Radiation Protection in an effort to resolve the inconsistency. Upon notification by the council that the inconsistency has not been resolved, the Governor may, after consultation with the agencies involved, find that the proposed rule or regulation is inconsistent with a rule or regulation of the other agency and shall issue an order to that effect, in which event the proposed rule or regulation shall not become effective. The Governor may, in the alternative, upon a similar determination, direct the appropriate agency to amend or repeal the existing rule or regulation to achieve consistency with the proposed rule or regulation.

(Added by Stats. 1961, Ch. 741.)

25735. The co-ordinator may when he deems necessary or appropriate recommend to any state department or other state agency the adoption, amendment, or repeal of rules and regulations relating to atomic energy development and radiation protection.

(Added by Stats. 1959, Ch. 1819.)

25736. The co-ordinator shall keep the Governor and the various interested state departments and agencies and the cities and counties informed of private and public activities affecting the peacetime uses of atomic energy and radiation and shall enlist their co-operation in protecting the health, safety and general welfare of the people of the State.

(Added by Stats. 1959, Ch. 1819.)

25737. The co-ordinator shall disseminate to the public factual data and information and interpretations thereof concerning atomic energy development and the uses of radiation in the State with the view to providing a reliable source

of accurate information relating to the benefits and hazards of such development and uses.

(Added by Stats. 1959, Ch. 1819.)

25738. The co-ordinator shall submit a report to the Governor and the Legislature not later than 10 calendar days following the commencement of each regular session of the Legislature recommending such action or legislation as he deems necessary or desirable, and shall submit his first report to the Governor and to the Legislature at the 1961 Regular Session, including but not limited to information and recommendations on:

(a) The environmental monitoring and surveillance program of the State relating to radiation.

(b) The adequacy of the radiological laboratory facilities of the State necessary for discharging the duties and performing the service required by state agencies, whether or not there should be a centrally located laboratory facility to service all state agencies, and if so where it should be located administratively, or whether it would be feasible for the State to contract with private organizations for any needed technical laboratory work.

(c) The need for personnel trained in various aspects of radiological safety.

(d) The need for a program for the inspection of sources of radiation within the State.

(Added by Stats. 1959, Ch. 1819.)

25739. The co-ordinator may consult with and seek the advice of technically qualified persons within and without the State to advise on matters relating to atomic energy and radiation protection, particularly with regard to rules, regulations and safety standards relating to radiation usage and exposure.

(Added by Stats. 1959, Ch. 1819.)

Article 5. Departmental Co-ordinating Committee

(Article 5 added by Stats. 1959, Ch. 1819)

25750. There is in the state government the Departmental Co-ordinating Committee on Atomic Energy Development and Radiation Protection which shall consist of the Co-ordinator of Atomic Energy Development and Radiation Protection as chairman and the heads of the following state departments and agencies, or the individuals designated by the heads of such departments or agencies to represent them: the Department of Public Health, the Department of Industrial Relations, the Department of Water Resources, the Department of Conservation, the Department of Parks and Recreation, the Department of Fish and Game, the State Water Pollution Control Board, the California Disaster Office, the Attorney General, the Department of Agriculture, the Department of Public Works, the Department of the California Highway Patrol, the Department of Education, the Department of Fi-

nance, the University of California, the Public Utilities Commission, the office of the State Fire Marshal, and such other state departments or agencies as the Governor may select.

(Added by Stats. 1959, Ch. 1819; amended by Stats. 1963, Ch. 440.)

25751. Meetings of the committee shall be held as called by the co-ordinator or upon request of four or more of the members.

All meetings of the committee shall be open and public and all persons shall be permitted to attend any meetings of the committee.

(Added by Stats. 1959, Ch. 1819; amended by Stats. 1961, Ch. 707.)

25752. The committee shall assist in the co-ordination and development of the programs and activities of the various state departments and agencies in matters pertaining to atomic energy development and radiation protection and shall report thereon to the Governor from time to time or upon his request.

(Added by Stats. 1959, Ch. 1819.)

Article 6. Advisory Council

(Article 6 added by Stats. 1959, Ch. 1819)

25760. There is in the state government an Advisory Council on Atomic Energy Development and Radiation Protection, consisting of the Co-ordinator of Atomic Energy Development and Radiation Protection and 11 members appointed by the Governor. One member shall be appointed from each of the following fields: industry, labor, medicine, dentistry, hospital, education, science and technology, agriculture, insurance, city government, and county government.

(Added by Stats. 1959, Ch. 1819; amended by Stats. 1961, Ch. 1862, and by Stats. 1963, Ch. 1342.)

25761. Of the members first appointed four shall be appointed by the Governor to serve a term which shall expire on October 1, 1960, and five shall be appointed to serve a term which shall expire on October 1, 1961. The first member appointed from the field of dentistry shall serve a term which shall expire on October 1, 1962. The first member appointed from the hospital field shall serve a term which shall expire on October 1, 1964. Thereafter all members shall be appointed for terms of two years, except that members appointed to fill vacancies prior to the expiration of a term shall be appointed for the remainder of such term. The chairman shall be selected by the Governor, and the co-ordinator shall act as secretary to the council.

(Added by Stats. 1959, Ch. 1819; amended by Stats. 1961, Ch. 1862, and by Stats. 1963, Ch. 1342.)

25762. Members of the council shall receive no compensation but shall be allowed their actual necessary traveling expenses incurred in the discharge of their duties.

(Added by Stats. 1959, Ch. 1819.)

25763. The council shall meet at least twice each year at the call of the Governor. All meetings of the council shall be open and public and all persons shall be permitted to attend any meetings of the council.

(Added by Stats. 1959, Ch. 1819; amended by Stats. 1961, Ch. 709.)

25764. The council shall evaluate the programs of the several state departments and agencies and advise and make recommendations to the Governor bearing on the development of state policy in the field of atomic energy development and radiation protection.

(Added by Stats. 1959, Ch. 1819.)

Article 7. Permits and Licenses Required

(Article 7 added by Stats. 1959, Ch. 1819)

25770. It is unlawful for any person to manufacture, construct, produce, transfer, acquire, use, or possess any of the materials or facilities for which a permit or license is required under the provisions of the Atomic Energy Act of 1954 (Public Law 85-256) unless he shall have first obtained such permit or license. Violation of this section is a misdemeanor.

(Added by Stats. 1959, Ch. 1819.)

25771. The Department of Public Health shall keep current information on the permits or licenses issued by the United States Atomic Energy Commission in the State and shall transmit such information to the Co-ordinator of Atomic Energy Development and Radiation Protection and upon request to any state department or agency or member of the public.

(Added by Stats. 1959, Ch. 1819.)

(Article 8. Added by Stats. 1959, Ch. 1819; repealed by Stats. 1963, Ch. 1736)

25780. (Added by Stats. 1959, Ch. 1819; repealed by Stats. 1963, Ch. 1736.)

25781. (Added by Stats. 1959, Ch. 1819; repealed by Stats. 1963, Ch. 1736.)

CHAPTER 7.6. RADIATION CONTROL LAW

(Chapter 7.6 added by Stats. 1961, Ch. 1711)

Article 1. General

(Article 1 added by Stats. 1961, Ch. 1711)

25800. This chapter shall be known, and may be cited, as the Radiation Control Law.

(Added by Stats. 1961, Ch. 1711.)

25801. It is the policy of the State of California, in furtherance of its responsibility to protect the public health and safety, to institute and maintain a regulatory program for sources of ionizing radiation so as to provide for: (a) compatibility with the standards and regulatory programs of the federal government, (b) an integrated effective system of regulation within the State, and (c) a system consonant insofar as possible with those of other states.

(Added by Stats. 1961, Ch. 1711.)

25802. It is the purpose of this chapter to effectuate the policies set forth in Section 25801 by providing for programs to:

(a) Effectively regulate sources of ionizing radiation for the protection of the occupational and public health and safety.

(b) Promote an orderly regulatory pattern within the State, among the states, and between the federal government and the State, and facilitate intergovernmental co-operation with respect to use and regulation of sources of ionizing radiation to the end that duplication of regulation may be minimized.

(c) Establish procedures for assumption and performance of certain regulatory responsibilities with respect to byproduct, source, and special nuclear materials.

(d) Permit maximum utilization of sources of ionizing radiation consistent with the health and safety of the public.

(Added by Stats. 1961, Ch. 1711.)

25803. Rules and regulations adopted under this chapter shall be adopted in accordance with the provisions of Chapter 4 (commencing with Section 11370) of Part 1, Division 3, Title 2 of the Government Code, and Sections 25733 and 25734 of this code.

(Added by Stats. 1961, Ch. 1711.)

Article 2. Definitions

(Article 2 added by Stats. 1961, Ch. 1711)

25805. As used in this chapter:

(a) "Co-ordinator" means the Co-ordinator of Atomic Energy Development and Radiation Protection.

(b) "Ionizing radiation" means gamma rays and X-rays; alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

(c) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Atomic Energy Commission, or any successor thereto, and other than federal government agencies licensed by the United States Atomic Energy Commission or any successor thereto.

(d) "Byproduct material" means any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(e) "Source material" means (1) uranium, thorium, or any other material which the department declares by rule to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such; or (2) ores containing one or more of the foregoing materials, in such concentration as the department declares by rule to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material in such concentration to be source material.

(f) "Special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the department declares by rule to be special nuclear material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.

(g) "General license" means a license, pursuant to regulations promulgated by the department, effective without the filing of an application, to transfer, acquire, own, possess or use quantities of, or devices or equipment utilizing, byproduct, source, or special nuclear materials or other radioactive material occurring naturally or produced artificially.

(h) "Specific license" means a license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing, byproduct, source, or special nuclear materials or other radioactive material occurring naturally or produced artificially.

(i) "Registration" means the reporting of possession of a source of radiation and the furnishing of information with respect thereto, in accordance with subdivision (b) of Section 25815 of this code.

(Added by Stats. 1961, Ch. 1711; amended by Stats. 1963, Ch. 1736.)

Article 3. Control Agency

(Article 3 added by Stats. 1961, Ch. 1711)

25810. The department is designated as the agency responsible for the issuance of licenses. In carrying out its duties under this section, the department, with the approval of the co-ordinator, shall enter into agreement with the Division of Industrial Safety and may enter into agreement with other state and local agencies to conduct technical evaluations of license applications prior to issuance of licenses. Such agree-

ments shall also include provisions for conducting inspections in accordance with Section 25820.

(Added by Stats. 1961, Ch. 1711.)

25811. The department shall, for the protection of public health and safety:

(a) Develop programs for evaluation of hazards associated with use of sources of ionizing radiation.

(b) Develop programs, with due regard for compatibility with federal programs, for licensing and regulation of by-product, source, and special nuclear materials, and other radioactive materials.

(c) Formulate, adopt, and promulgate rules and regulations relating to control of other sources of ionizing radiation.

(d) Issue such rules and regulations as may be necessary in connection with proceedings under Article 4 (commencing with Section 25815).

(e) Collect and disseminate information relating to control of sources of ionizing radiation, including:

(1) Maintenance of a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations.

(2) Maintenance of a file of all rules and regulations relating to regulation of sources of ionizing radiation, pending or promulgated, and proceedings thereon.

Nothing in this chapter shall be construed as precluding the Division of Industrial Safety from adopting and enforcing rules and regulations relating to matters within its jurisdiction consistent with, in furtherance of, and designed to implement the provisions of this chapter and the rules and regulations adopted thereunder.

(Added by Stats. 1961, Ch. 1711.)

Article 4. Licensing and Registration of Sources of Ionizing Radiation

(Article 4 added by Stats. 1961, Ch. 1711)

25815. (a) The department shall provide by rule or regulation for general or specific licensing of persons to receive, possess, or transfer radioactive materials, or devices or equipment utilizing such materials. Such rule or regulation shall provide for amendment, suspension, or revocation of licenses.

(b) The department may require registration and inspection of sources of ionizing radiation other than those that require a specific license, and compliance with specific safety standards to be promulgated by the department.

(c) The department may exempt certain sources of ionizing radiation or kinds of uses or users from the licensing or registration requirements set forth in this section when the department makes a finding that the exemption of such sources of

ionizing radiation or kinds of uses or users will not constitute a significant risk to the health and safety of the public.

(d) The department may withhold any document or part thereof from public inspection if disclosure of its contents is not required in the public interest and would adversely affect the interest of a person concerned.

(e) Rules and regulations promulgated pursuant to this chapter may provide for recognition of other state or federal licenses as the department may deem desirable, subject to such registration requirements as the department may prescribe.

(Added by Stats. 1961, Ch. 1711. Operative July 1, 1962.)

25816. The department shall provide by regulation a schedule of the fees which shall be paid by applicants for the licensing of radioactive materials and of devices and equipment utilizing such materials. The revenues derived from such fees shall be used, together with other funds made available therefor, for the purpose of the issuance of licenses and the inspection and regulation of the licensees. Any agreement made pursuant to Section 25810 shall include provisions for distribution of funds provided for this program proportionate to the services performed by each participating agency. Regulations adopted pursuant to this section shall become effective only when the Director of Finance approves them as fixing fees which will return revenues not in excess of anticipated costs. Provisions for distribution of funds to participating agencies shall be subject to approval of the Director of Finance for the purpose of insuring equitable allocation proportionate to the services performed.

(Added by Stats. 1961, Ch. 1711. Operative July 1, 1962. Amended by Stats. 1963, Ch. 1736.)

25817. The department shall provide by regulation a schedule of fees which shall be paid by persons possessing sources of ionizing radiation which are subject to registration in accordance with subdivision (b) of Section 25815, and regulations adopted pursuant thereto. The revenues derived from such fees shall be used, together with other funds made available therefor, for the purpose of carrying out any inspections of such sources of ionizing radiation required by this chapter or regulations adopted pursuant thereto. The fees shall not exceed five dollars (\$5) annually for each source of ionizing radiation. Any agreement made pursuant to Section 25810 shall include provisions for the distribution of funds provided for this program proportionate to the services performed by each participating agency. The provisions for the distribution of funds to the participating agencies shall be subject to approval by the Director of Finance for the purpose of insuring an equitable allocation proportionate to the services performed.

(Added by Stats. 1961, Ch. 1711. Operative July 1, 1962. Amended by Stats. 1963, Ch. 1736.)

Article 5. Inspection

(Article 5 added by Stats. 1961, Ch. 1711)

25820. Any officer, employee, or agent of the department or of any state or local agency with which an agreement has been made pursuant to Section 25810 shall have the power to enter at all reasonable times upon any private or public property within the jurisdiction of the agency for the purpose of determining whether or not there is compliance with or violation of the provisions of this chapter, or of the rules and regulations promulgated thereunder, and the owner, occupant, or person in charge of such property shall permit such entry and inspection. Entry into areas under the jurisdiction of the federal government shall be effected only with the concurrence of the federal government or its duly designated representative.

(Added by Stats. 1961, Ch. 1711.)

Article 6. Records

(Article 6 added by Stats. 1961, Ch. 1711)

25825. The department shall require each person who acquires, possesses or uses a source of ionizing radiation to maintain records relating to its receipt, storage, transfer or disposal, and such other records as the department may require, subject to such exemptions as may be provided by rules or regulations.

(Added by Stats. 1961, Ch. 1711.)

25826. The department shall require each person who possesses or uses a source of ionizing radiation to maintain appropriate records showing the radiation exposure of all individuals for whom personnel monitoring is required by rules and regulations of the department. Copies of these records and those required to be kept in accordance with Section 25825 shall be submitted to the department upon request.

The department shall adopt reasonable regulations, compatible with those of the United States Atomic Energy Commission, pertaining to reports of exposure of personnel. Such regulations shall require that reports of excessive exposure be made to the individual exposed and to the department, and shall make provision for periodic and terminal reports to individuals for whom personnel monitoring is required. The provisions of Section 6411 of the Labor Code shall not be construed as exempting any person from making any report required by this section.

(Added by Stats. 1961, Ch. 1711; amended by Stats. 1963, Ch. 1094.)

Article 7. Federal-State Agreements

(Article 7 added by Stats. 1961, Ch. 1711)

25830. The Governor, on behalf of this State, may enter into agreements with the federal government providing for discontinuance of certain of the federal government's responsi-

bilities with respect to sources of ionizing radiation and the assumption thereof by this State. Such agreements shall become effective only when ratified by law.

(Added by Stats. 1961, Ch. 1711.)

25831. Any person who, on the effective date of an agreement under Section 25830, possesses a license issued by the federal government shall be deemed to possess the same pursuant to a license issued under this chapter, which license shall expire either 90 days after receipt from the department of a notice of expiration of such license, or on the date of expiration specified in the federal license, whichever is the earlier.

(Added by Stats. 1961, Ch. 1711.)

Article 8. Inspection Agreements and Training Programs

(Article 8 added by Stats. 1961, Ch. 1711)

25835. The department, on behalf of this State, may enter into an agreement or agreements with the federal government, other states, or interstate agencies, whereby this State will perform on a co-operative basis with the federal government, other states, or interstate agencies, inspections or other functions relating to control of sources of ionizing radiation.

(Added by Stats. 1961, Ch. 1711.)

25836. The department and any other appropriate state agency may institute training programs for the purpose of qualifying personnel to carry out the provisions of this chapter, and may make such personnel available for participation in any program or programs of the federal government, other states, or interstate agencies in furtherance of the purposes of this chapter.

(Added by Stats. 1961, Ch. 1711.)

Article 9. Local Participation

(Article 9 added by Stats. 1961, Ch. 1711)

25840. Ordinances, resolutions or regulations, now or hereafter in effect, of the governing body of a city or county relating to radioactive materials or other sources of radiation shall not be superseded by this chapter, provided that such ordinances or regulations are and continue to be consistent with the provisions of this chapter, amendments thereto, and rules and regulations thereunder. No city or county shall require the payment of a fee in connection with the activities governed by Section 25816 when a fee is required by rules or regulations adopted pursuant to that section, and no city or county shall require the payment of a fee in connection with the activities governed by Section 25817 when a fee is required by rules or regulations adopted pursuant to that section.

(Added by Stats. 1961, Ch. 1711.)

Article 10. Administrative Procedure

(Article 10 added by Stats. 1961, Ch. 1711)

25845. (a) In any proceeding under this chapter for granting or amending any license; or for determining compliance with, or granting exceptions from, rules and regulations promulgated in accordance with this chapter, the department shall afford an opportunity for a hearing on the record upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding.

(b) Proceedings for the suspension or revocation of licenses under this chapter shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, and the department shall have all the powers granted therein.

(c) The adoption, repeal, or amendment of rules and regulations pursuant to this chapter shall be accomplished in conformity with the provisions of Chapter 4 (commencing with Section 11370), Part 1, Division 3, Title 2 of the Government Code.

(Added by Stats. 1961, Ch. 1711.)

25846. Whenever the department finds that an emergency exists requiring immediate action to protect the public health and safety, the department may, without notice or hearing, issue a regulation or order reciting the existence of such emergency and requiring that such action be taken as is deemed necessary to meet the emergency. Notwithstanding any provision of this chapter, such regulation or order shall be effective immediately. Any person to whom such regulation or order is directed shall comply therewith immediately, but on application to the department shall be afforded a hearing within 15 days. On the basis of such hearing, the emergency regulation or order shall be continued, modified, or revoked within 30 days after such hearing.

(Added by Stats. 1961, Ch. 1711.)

25847. Any final order entered in any proceeding under Sections 25845 and 25846 shall be subject to judicial review in the manner prescribed in Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

(Added by Stats. 1961, Ch. 1711.)

Article 11. Injunction Proceedings

(Article 11 added by Stats. 1961, Ch. 1711)

25850. Whenever, in the judgment of the department, any person has engaged in or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this chapter, or any rule, regulation or order issued thereunder, and at the request of the department, the Attorney General may make application to the superior court

for an order enjoining such acts or practices, or for an order directing compliance, and upon a showing by the department that such person has engaged in or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.

(Added by Stats. 1961, Ch. 1711.)

Article 12. Prohibited Uses

(Article 12 added by Stats. 1961, Ch. 1711)

25855. It shall be unlawful for any person to use, manufacture, produce, knowingly transport, transfer, receive, acquire, own, or possess, any source of ionizing radiation unless licensed by or registered with the department in accordance with the provisions of this chapter and rules and regulations issued thereunder.

(Added by Stats. 1961, Ch. 1711.)

Article 13. Impounding of Materials

(Article 13 added by Stats. 1961, Ch. 1711)

25860. The department shall have the authority in the event of an emergency to impound or order the impounding of sources of ionizing radiation in the possession of any person who is not equipped to observe or fails to observe the provisions of this chapter or any rules or regulations issued thereunder.

(Added by Stats. 1961, Ch. 1711.)

25861. If the department determines that any object, building, structure, or premises is contaminated by radioactive material and constitutes a hazard to the public health, it shall order the person who has control of the object, building, structure, or premises to cease to use or occupy and to exercise due caution to prevent others from using or occupying the object, building, structure, or premises, except to the extent necessary to accomplish the decontamination, or to the extent necessary to accomplish the disposal of the object, building, or structure as radioactive waste.

If the object, building, structure, or premises are decontaminated, the normal use or occupancy of the object, building, structure, or premises may be resumed.

If the person who has control of the object, building, structure, or premises fails to comply with the department's order, the department may impound or seize the object, building, structure, or premises.

After the department has impounded or seized an object, building, structure, or premises, the department may decontaminate the object, building, structure, or premises or cause such decontamination. In the case of an object, building or structure, if the department determines that its value does not warrant decontamination, it shall so notify the person, in

writing, who had control of the object, building, or structure. Within 15 days after such notice, such person may decontaminate the object, building, or structure. If he fails to do so, the department may cause the object, building, or structure to be disposed of as radioactive waste.

If the department causes the object, building, structure, or premises to be decontaminated, the department shall, upon the completion of the decontamination, return the impounded article or seized building, structure, or premises to the person who had control of the article, building, structure, or premises prior to the impounding or seizure.

If the person who has control of the object, building, structure, or premises was responsible for its contamination, then the department may require that person to pay any reasonable and necessary costs which are incurred by the department in seizing and decontaminating or disposing of the object, building, structure, or premises and may maintain any action which may be necessary to recover such costs.

If the contamination of the object, building, structure, or premises resulted from the negligence of, or as a result of an ultrahazardous activity of, another person, persons, or corporation, then the department may require that person, persons, or corporation to pay any reasonable and necessary costs which are incurred by the department in seizing and decontaminating or disposing of the object, building, structure, or premises and may maintain any action which may be necessary to recover such costs.

The term "decontamination," as used in this section, means the reduction of the level of contamination from radioactive material to the level which the department determines is reasonably necessary to eliminate the hazard to public health which is caused by the contamination of the object, building, structure, or premises. Any order by the department pursuant to this section shall prescribe the level to which the contamination is required to be reduced in order to eliminate the hazard to the public health.

(Added by Stats. 1963, Ch. 1254.)

Article 14. Penalties

(Article 14 added by Stats. 1961, Ch. 1711)

25865. Any person who violates any of the provisions of this chapter or rules, regulations, or orders in effect pursuant thereto is guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not to exceed five hundred dollars (\$500), or by imprisonment in the county jail for a period not to exceed 180 days, or by both such fine and imprisonment.

(Added by Stats. 1961, Ch. 1711.)

Article 15. Effective Date of Licensing Provisions
(Article 15 added by Stats. 1961, Ch. 1711)

25870. The provisions of subdivision (a) of Section 25815 and other provisions of this chapter relating to licensing and the enforcement thereof shall become effective only upon execution of an agreement pursuant to Section 25830. The provisions of Section 25817 shall become operative on July 1, 1962.
(Added by Stats. 1961, Ch. 1711.)

Article 16. Agreement Between United States Atomic
Energy Commission and the State of California
(Article 16 added by Stats. 1962 (1st Ex. Sess.), Ch. 18)

25875. The Legislature of the State of California hereby ratifies and approves that certain agreement designated as the "Agreement between the United States Atomic Energy Commission and the State of California for Discontinuance of Certain Commission Regulatory Authority and Responsibility within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended," which was approved by the Chairman of the Atomic Energy Commission on the ninth day of March 1962, under authority of Section 274 of the Atomic Energy Act of 1954, as amended (Public Law 86-373), and by the Governor of California on the 12th day of March 1962, under authority of and in conformity with Section 25830, Chapter 7.6, Division 20, of the Health and Safety Code of the State of California; and the provisions of said agreement shall become effective in accordance with Article IX of the agreement set forth in Section 25876.

(Added by Stats. 1962, (1st Ex. Sess.), Ch. 18.)

25876. The provisions of said agreement are as follows:

Article I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

- A. Byproduct materials;
- B. Source materials; and
- C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

- A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV

This Agreement shall not affect the authority of the Commission under Subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V

The State will use its best efforts to maintain continuing compatibility between its program and the program of the Commission for the regulation of like materials. To this end the State will use its best efforts to keep the Commission informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria, and of proposed requirements for the design and distribution of products containing source, byproduct, or special nuclear material, and to obtain the comments and assistance of the Commission thereon.

Article VI

The Commission will use its best efforts to keep the State informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria and to obtain the comments and assistance of the State thereon.

Article VII

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

Article IX

This Agreement, upon ratification by law of the State, shall become effective on the ninety-first day after the adjournment of the First Extraordinary Session of the 1962 California Legislature or on September 1, 1962, whichever is later, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VIII.

(Added by Stats. 1962 (1st Ex. Sess.), Ch. 18.)

CHAPTER 8. TOYS

(Chapter 8 added by Stats. 1959, Ch. 899)

25895. "Toy," as used in this chapter, means an article designed and made for the amusement of a child or for his use in play.

(Added by Stats. 1959, Ch. 899; amended and renumbered by Stats. 1961, Ch. 741. Formerly 25701.)

25896. Any person is guilty of a misdemeanor who manufactures, sells, or exchanges, has in his possession with intent to sell or exchange, or exposes or offers for sale or exchange to any retailer, any toy which either (1) is coated with paints and lacquers containing compounds of lead of which the lead content (calculated as Pb) is in excess of 1 percent of the total weight of the contained solids (including pigments and drier), or soluble compounds of antimony, arsenic, cadmium, mercury, selenium or barium, introduced as such; compounds are considered soluble if quantities in excess of 0.1 percent are dissolved by 5 percent hydrochloric acid after stirring for 10 minutes at room temperature; (2) consists in whole or in part of a diseased, contaminated, filthy, putrid or decomposed sub-

stance; or (3) has been produced, prepared, packed or held under insanitary conditions.

(Added by Stats. 1959, Ch. 899; amended and renumbered by Stats. 1961, Ch. 741. Formerly 25702.)

CHAPTER 10. LABEL REQUIREMENTS

(Chapter 10 added by Stats. 1959, Ch. 966.

Operative January 1, 1960)

25900. Cautionary statements which are required by law, or regulations adopted pursuant to law, to be printed upon the labels of containers in which dangerous drugs, poisons, and other harmful substances are packaged shall be printed in the English language in a conspicuous place in type of conspicuous size in contrast to the typography, layout, or color of the other printed matter on the label.

(Added by Stats. 1959, Ch. 966. Operative January 1, 1960.)

25901. Unless a specific color is prescribed, the cautionary statements may be printed in any color, but preferably red, upon a plain and distinctly contrasting background.

(Added by Stats. 1959, Ch. 966. Operative January 1, 1960.)

25902. The words "safe," "safely," "safety," or words having the same meaning which would detract from the value of the cautionary statement shall not be used upon the labels of containers of dangerous drugs, poisons, and other highly toxic substances.

(Added by Stats. 1959, Ch. 966. Operative January 1, 1960.)

25903. Nothing in this chapter shall apply to products produced by a laboratory licensed under Section 351 of Title III of the Public Health Service Act (Public Law 410, Chapter 373, Seventy-eighth Congress, Second Session).

(Added by Stats. 1959, Ch. 966. Operative January 1, 1960.)

25904. Any violation of this chapter is a misdemeanor.

(Added by Stats. 1959, Ch. 966. Operative January 1, 1960.)

25905. The provisions of this chapter shall become operative January 1, 1960.

(Added by Stats. 1959, Ch. 966. Operative January 1, 1960.)

DIVISION 21. DRUGS, FOODS AND COSMETICS

(Division 21 added by Stats. 1939, Ch. 730)

CHAPTER 1. COSMETICS

(Chapter 1 added by Stats. 1961, Ch. 1398)

Article 1. General Provisions

(Article 1 added by Stats. 1961, Ch. 1398)

26001. "Cosmetic" means (a) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (b) articles intended for use as a component of any such articles. The term shall not include soap.

(Added by Stats. 1961, Ch. 1398.)

26002. "Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper.

(Added by Stats. 1961, Ch. 1398.)

26003. "Immediate container" does not include package liners.

26004. "Labeling" means all labels and other written, printed, or graphic matter (a) upon any article or any of its containers or wrappers, or (b) accompanying such article.

(Added by Stats. 1961, Ch. 1398.)

26005. If an article is alleged to be misbranded because the labeling is misleading, then in determining whether the labeling is misleading there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, or any combination thereof, but also the extent to which the labeling fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling relates under the conditions of use prescribed in the labeling thereof or under such conditions of use as are customary or usual.

(Added by Stats. 1961, Ch. 1398.)

26006. "Contaminated with filth" applies to any cosmetic not securely protected from dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious contamination.

(Added by Stats. 1961, Ch. 1398.)

26007. The provisions of this chapter regarding the selling of cosmetics, shall be considered to include the manufacture, production, processing, packing, exhibition, offering, possessing, and holding of any such article for sale; the sale, dispensing, and giving of any such article; and the supplying or applying of any such articles in the conduct of any cosmetic establishment.

(Added by Stats. 1961, Ch. 1398.)

26008. "Package" includes any phial, bottle, jar, demi-john, carton, bag, case, can, box or barrel or any receptacle, vessel or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer or dealer, for enclosing or containing any cosmetic.

(Added by Stats. 1961, Ch. 1398.)

26009. The term "color additive" means a material which:

(a) Is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source, and

(b) When added or applied to a cosmetic, or to the human body or any part thereof, is capable (alone or through reaction with other substance) of imparting color thereto; except that such term does not include any material which the department, by regulation, determines is used (or intended to be used) solely for a purpose or purposes other than coloring.

(c) The term "color" includes black, white, and intermediate grays.

(Added by Stats. 1961, Ch. 1398.)

26010. "Federal act" means the Federal Food, Drug, and Cosmetic Act.

(Added by Stats. 1961, Ch. 1398.)

26011. "Department" means the State Department of Public Health.

(Added by Stats. 1961, Ch. 1398.)

26012. The provisions of this chapter do not apply to cosmetics which are subject to the Federal Food, Drug, and Cosmetic Act unless such cosmetics have been declared to be adulterated or misbranded by the United States Food and Drug Administration. (21 U.S.C. 301, et seq.). The provisions of this chapter may be known as the California Cosmetic Act.

(Added by Stats. 1961, Ch. 1398.)

Article 2. Adulteration

(Article 2 added by Stats. 1961, Ch. 1398)

26021. A cosmetic shall be deemed to be adulterated if it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual; provided, that this provision shall not apply to coal-tar hair dye, the label of which bears the following legend conspicuously displayed thereon: "Caution—this product contains ingredients which may cause skin

irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows: to do so may cause blindness," and the labeling of which bears adequate directions for such preliminary testing. For the purposes of this Section 26022(d) and Section 26035, the term "hair dye" shall not include eyelash dyes or eyebrow dyes.

(Added by Stats. 1961, Ch. 1398.)

26022. A cosmetic shall be deemed to be adulterated:

(a) If it consists in whole or in part of any filthy, putrid, or decomposed substance.

(b) If it has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.

(c) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(d) If it is not a hair dye and it is, or it bears or contains, a color additive which is unsafe within the meaning of the federal act.

(Added by Stats. 1961, Ch. 1398.)

Article 3. Misbranding

(Article 3 added by Stats. 1961, Ch. 1398)

26031. A cosmetic shall be deemed to be misbranded if its labeling is false or misleading in any particular.

(Added by Stats. 1961, Ch. 1398.)

26032. A cosmetic shall be deemed to be misbranded if in package form, unless it bears a label containing (a) the name and place of business of the manufacturer, packer, or distributor; and (b) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided, that under subdivision (b) of this section reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the department.

(Added by Stats. 1961, Ch. 1398.)

26033. A cosmetic shall be deemed to be misbranded if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(Added by Stats. 1961, Ch. 1398.)

26034. A cosmetic shall be deemed to be misbranded if its container is so made, formed, or filled as to be misleading.

(Added by Stats. 1961, Ch. 1398.)

26035. A cosmetic shall be deemed to be misbranded if it is a color additive unless its packaging and labeling are in con-

formity with such packaging and labeling requirements applicable to such color additive, as may be contained in regulations adopted by the department. This section shall not apply to packages of color additives which, with respect to their use for cosmetics, are marketed and intended for use in or on hair dyes as defined in Section 26021.

(Added by Stats. 1961, Ch. 1398.)

Article 4. Prohibitions

(Article 4 added by Stats. 1961, Ch. 1398)

26041. The following acts and the causing thereof within the State of California are hereby prohibited:

(a) The manufacture, sale, or delivery, holding or offering for sale of any cosmetic that is adulterated or misbranded.

(b) The adulteration or misbranding of any cosmetic.

(c) The receipt in commerce of any cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise.

(d) The dissemination of any false advertisement.

(e) The refusal to permit entry by a duly qualified representative of the department for inspection, or to permit the taking of a sample of a cosmetic suspected of being adulterated or misbranded.

(f) The giving of a guaranty or undertaking which guaranty or undertaking is false, except by a person who relied on a guaranty or undertaking to the same effect signed by, and containing the name and address of the person residing in the State of California from whom he received in good faith the cosmetic.

(g) The removal or disposal of a detained or embargoed article in violation of this chapter.

(h) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a cosmetic, if such act is done while such article is held for sale and results in such article being misbranded.

(i) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated under the provisions of this act.

(Added by Stats. 1961, Ch. 1398.)

Article 5. Administration

(Article 5 added by Stats. 1961, Ch. 1398)

26050. (a) Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25) or more than five hundred dollars (\$500), or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

If the violation is committed after a prior conviction of such a person under this section, such person shall be subject to imprisonment for not more than one year in the county jail, or a fine of not more than one thousand dollars (\$1,000), or both such imprisonment and fine.

(b) No person shall be subject to the penalties of subsection (a) of this section, for having violated Section 26041(a) or (c) if he establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the State of California from whom he received in good faith the article, to the effect that such article is not adulterated or misbranded within the meaning of this act, designating this act.

(c) No publisher, radiobroadcast licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the article to which a false advertisement relates, shall be liable under this section by reason of the dissemination by him of such false advertisement, unless he has refused, on the request of the department to furnish the department the name and post office address of the manufacturer, packer, distributor, seller or advertising agency, residing in the State of California who cause him to disseminate such advertisement.

(Added by Stats. 1961, Ch. 1398.)

26051. The provisions of this chapter shall be administered by the department in accordance with the provisions of Article 6 (commencing with Section 26320) of Chapter 2 of Division 21 of the Health and Safety Code, and the department shall have all of the powers granted to the board in that article, and for this purpose a cosmetic shall be deemed a drug as that term is used in that article.

(Added by Stats. 1961, Ch. 1398.)

CHAPTER 2. DRUGS

(Chapter 2 added by Stats. 1939, Ch. 730)

Article 1. General Provisions

(Article 1 added by Stats. 1939, Ch. 730)

26200. "Drug" means (1) articles recognized in the official United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2), or (3).

(Added by Stats. 1939, Ch. 730; amended by Stats. 1957, Ch. 352.)

26200.5. Any concentrated substance represented for use by man because of its vitamin or mineral content when medic-

inal claims are made on the label, shall, on its label and in its printed or written advertising, bear the common or usual name of each vitamin or mineral on which such use is based. If such use is based on the content of any such vitamin or mineral, the label and printed or written advertising shall bear or contain a statement of the proportion of such vitamin or mineral expressed as international units, United States Pharmacopoeia, or other accepted standard units.

(Added by Stats. 1941, Ch. 1210; amended by Stats. 1943, Ch. 779, and by Stats. 1957, Ch. 352.)

26201. "Drug" does not include devices or their components, parts, or accessories.

(Added by Stats. 1939, Ch. 730.)

26202. "Device" means instruments, apparatus and contrivances, including their components, parts, products or by-products of a device, and accessories, used or intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure or any function of the body of man or other animals.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1955, Ch. 1079.)

26203. "Official compendium" means the Official United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, official National Formulary, or any supplement to any of them.

(Added by Stats. 1939, Ch. 730.)

26204. "Label" means a display of written, printed or graphic matter upon the immediate container of any article.

(Added by Stats. 1939, Ch. 730.)

26205. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper.

(Added by Stats. 1939, Ch. 730.)

26206. "Immediate container" does not include package liners.

(Added by Stats. 1939, Ch. 730.)

26207. "Labeling" means all labels and other written, printed or graphic matter (1) upon an article or any of its containers or wrappers, or (2) accompanying such article.

(Added by Stats. 1939, Ch. 730.)

26208. If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then in determining whether the labeling or advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, emblem, sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal

facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.

(Added by Stats. 1939, Ch. 730.)

26209. The term "advertisement" means all representations including, but not limited to, statements upon containers, packages, cartons, and any other container, disseminated in any manner or by any means, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase or sale of drugs or devices.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1941, Ch. 1210, by Stats. 1943, Ch. 779, by Stats. 1951, Ch. 1615, and by Stats. 1955, Ch. 693.)

26210. The representation of a drug or device, in its labeling or advertisement, as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1955, Ch. 1079.)

26211. "New drug" means (1) any drug the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof; or (2) any drug the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions. This section shall not apply to any drug which (1) was commercially sold or used in this State on the date immediately preceding the effective date of the amendments to this section enacted at the 1963 Regular Session of the Legislature, or which was commercially sold or used in the United States on October 9, 1962, (2) was not a new drug as defined by this section prior to the enactment of this chapter and (3) was not covered by an effective application under Section 26288 as amended of this chapter or under Section 505 of the federal act, when such drug is solely intended for use under conditions prescribed, recommended or suggested in labeling with respect to such drug on whichever of the above dates is applicable.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1963, Ch. 1958.)

26211.1. "New device" means (1) any device the composition, construction, or properties of which are such that such

device is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of devices, as having been adequately shown, through scientific investigations to be safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof; or (2) any device the composition, construction, or properties of which are such that such device, as a result of such investigation to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

(Added by Stats. 1963, Ch. 1958.)

26211.5. "Prescription" means an order given individually for the person for whom prescribed, directly from the prescriber to the furnisher or indirectly by means of an order signed by the prescriber and shall bear the name and address of the prescriber, his license classification, the name and address of the patient, name and quantity of drug or drugs or device prescribed, directions for use and the date of issue.

(Added by Stats. 1951, Ch. 1615; amended by Stats. 1955, Ch. 1079.)

26212. The term "contaminated with filth" applies to any drug or device not securely protected from dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26213. The provisions of this chapter regarding the selling, purchasing or use of drugs and devices, shall be considered to include the manufacture, production, processing, packing, exhibition, offering, possessing and holding of any such articles for sale; the sale, dispensing, and giving of any such article; and the supplying or applying of any such articles in the conduct of any establishment.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1955, Ch. 1079.)

26214. "Package" includes any phial, bottle, jar, demijohn, carton, bag, case, can, box or barrel or any receptacle, vessel or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer or dealer, for inclosing or containing any drug or device.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1955, Ch. 1079.)

26215. "Federal act" means the Federal Food, Drug and Cosmetic Act.

(Added by Stats. 1939, Ch. 730.)

26216. The sections contained in Chapter 2 of Division 21 of the Health and Safety Code may be known as the California Pure Drugs Act.

(Added by Stats. 1943, Ch. 779.)

26217. The term "color additive" means a material which:

(a) Is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source, and

(b) When added or applied to a drug, or to the human body or any part thereof, is capable, alone or through reaction with other substance, of imparting color thereto, except that such term does not include any material which the board, by regulation, determines is used, or intended to be used, solely for a purpose or purposes other than coloring.

(c) The term "color" includes black, white, and intermediate grays.

(Added by Stats. 1961, Ch. 309.)

26218. The term "substantial evidence" means evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug or device involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drug or device will have the effect it purports or is represented to have under conditions of use prescribed, recommended, or suggested in the labeling or advertising thereof.

(Added by Stats. 1963, Ch. 1958.)

26219. As used in this chapter the term "established name," with respect to a drug or ingredient thereof, means (1) the applicable official name designated by the Secretary of Health, Education, and Welfare, or (2) if there is no such name and such drug, or such ingredient, is an article recognized in an official compendium, then the official title thereof in such compendium, or (3) if neither clause (1) nor clause (2) of this section applies, then the common or usual name, if any, of such drug or of such ingredient: Provided further, that where clause (2) of this section applies to an article recognized in the United States Pharmacopeia and in the Homeopathic Pharmacopeia under different official titles, the official title used in the United States Pharmacopeia shall apply unless it is labeled and offered for sale as a homeopathic drug, in which case the official title used in the Homeopathic Pharmacopeia shall apply.

(Added by Stats. 1963, Ch. 1958.)

26220. The term "manufacture, preparation, propagation, compounding, or processing" shall include repackaging or otherwise changing the container, wrapper, or labeling of any drug package in furtherance of the distribution of the drug from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer.

(Added by Stats. 1963, Ch. 1958.)

Article 2. Adulteration

(Article 2 added by Stats. 1939, Ch. 730)

26230. A drug shall be deemed to be adulterated if, when a drug is sold under or by a name recognized in an official compendium, it differs from the standard of strength, quality or purity as determined by the test laid down in the official compendium at the time of investigation.

(Added by Stats. 1939, Ch. 730.)

26231. No drug defined in an official compendium shall be deemed to be adulterated under Section 26230 because it differs from the standard of strength, quality or purity therefor set forth in such compendium, if its difference in strength, quality or purity from such standard is plainly stated on its label.

(Added by Stats. 1939, Ch. 730.)

26232. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homoeopathic Pharmacopoeia of the United States it shall be subject to the requirements of the United States Pharmacopoeia unless it is labeled and offered for sale as a homoeopathic drug, in which case it shall be subject to the provisions of the Homoeopathic Pharmacopoeia of the United States and not to those of the United States Pharmacopoeia.

(Added by Stats. 1939, Ch. 730.)

26233. A drug or device shall be deemed to be adulterated if its strength differs or its purity falls below the professed standard or quality under which it is sold.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1951, Ch. 1615, and by Stats. 1955, Ch. 1079.)

26234. A drug or device shall be deemed to be adulterated (1) if it consists in whole or in part of any filthy, putrid or decomposed substance; or (2) if it has been produced, prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health; or (3) if it is a drug and the methods used in, or the facilities or controls used for, its manufacture, processing, packing, or holding do not conform to or are not operated or administered with current good manufacturing practice to assure that such drug meets the requirements of this chapter as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess. The board shall promulgate such interpretative regulations as the board determines as necessary to define "current good manufacturing practice" as used in this chapter; provided, that such regulations shall conform, insofar as practicable, to those promulgated by the Secretary of Health, Education, and Welfare.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1963, Ch. 1958.)

26235. A drug shall be deemed to be adulterated (1) if its container is composed, in whole or in part, of any poisonous

or deleterious substance which may render the contents injurious to health; (2) if it bears or contains, for purposes of coloring only, a color additive other than one listed or certified by the United States Department of Health, Education and Welfare, Food and Drug Administration; (3) if it is not subject to the provisions of Section 26230 and its strength differs from, or its purity or quality falls below, that which it purports or is represented to possess; or (4) if any substance has been (a) mixed or packed therewith so as to reduce its quality or strength; or (b) substituted wholly or in part therefor.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1951, Ch. 1615, by Stats. 1957, Ch. 205, and by Stats. 1961, Ch. 309.)

Article 3. Misbranding

(Article 3 added by Stats. 1939, Ch. 730)

26240. The term "misbranded" shall apply to all drugs or devices, the package or label of which bears any statement, design, or emblem regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any drug or device which is falsely branded or labeled as to the county, city and county, city, town, State, Territory, District of Columbia, or foreign country in which it is manufactured or produced.

(Added by Stats. 1939, Ch. 730.)

26241. A drug or device shall be deemed to be misbranded if in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count.

Under clause (2) of this section reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the board.

(Added by Stats. 1939, Ch. 730.)

26242. A drug or device shall be deemed to be misbranded if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or emblems, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(Added by Stats. 1939, Ch. 730.)

26243. A drug shall be deemed to be misbranded unless its label bears, to the exclusion of any other nonproprietary name (except the applicable systematic chemical name or the chemical formula), (1) the established name of the drug, if such there be; and (2) in case it is fabricated from two or more ingredients, the established name and quantity of each active ingredient, including the kind and quantity or proportion of any alcohol, and also including, whether active or not, the

established name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetphenetidin, antipyrine, atropine, hyoscyne, hyoscyamine, codeine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, barbituric acid, or any derivative or preparation of any such substances, contained therein; provided, that the requirement for stating the quantity of the active ingredients, other than the quantity of those specifically named in this paragraph, shall apply only to prescription drugs; and for any prescription drug the established name of such drug or ingredient, as the case may be, on such label (and on any labeling on which a name for such drug or ingredient is used) shall be printed prominently and in type at least half as large as that used thereon for any proprietary name or designation for such drug or ingredient.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1941, Ch. 1210, and by Stats. 1963, Ch. 1958.)

26243.5. A drug shall be deemed to be misbranded if it is, or purports to be, or is represented as a drug composed wholly or partly of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, bacitracin, or any other antibiotic drug, or any derivative thereof, unless (1) it is from a batch with respect to which a certificate or release has been issued pursuant to Section 507 of the federal act, and (2) such certificate or release is in effect with respect to such drug: provided, that this section shall not apply to any drug or class of drugs exempted by regulations promulgated under subdivision (c) or (d) of Section 507 of the federal act. For the purpose of this section, the term "antibiotic drug" means any drug intended for use by man containing any quantity of any chemical substance which is produced by a micro-organism and which has the capacity to inhibit or destroy micro-organisms in dilute solution (including the chemically synthesized equivalent of any such substance).

(Added by Stats. 1963, Ch. 1958.)

26244. A drug or device shall be deemed to be misbranded unless its labeling bears (1) adequate directions for use; and (2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users.

The cautionary statements shall be printed as prescribed in Chapter 10 (commencing at Section 25900), Division 20 of this code.

If any requirement of clause (1) of this section as applied to any drug or device is not necessary for the protection of the public health, the board shall promulgate regulations exempting such drug or device from such requirements.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1959, Ch. 966. Operative January 1, 1960.)

26245. A drug shall be deemed to be misbranded if it purports to be a drug the name of which is recognized in an

official compendium, unless it is packaged and labeled as prescribed therein. The method of packing may be modified with the consent of the board.

(Added by Stats. 1939, Ch. 730.)

26246. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homoeopathic Pharmacopoeia of the United States, it shall be subject to the requirements of the United States Pharmacopoeia with respect to packaging and labeling unless it is labeled and offered for sale as a homoeopathic drug, in which case it shall be subject to the provisions of the Homoeopathic Pharmacopoeia of the United States, and not to those of the United States Pharmacopoeia.

(Added by Stats. 1939, Ch. 730.)

26247. A drug shall be deemed to be misbranded if it has been found by the board to be a drug liable to deterioration, unless it is packaged in such form and manner, and its label bears a statement of such precautions, as the board shall by regulations require as necessary for the protection of public health. The cautionary statements shall be printed as prescribed in Chapter 10 (commencing at Section 25900), Division 20 of this code.

No such regulation shall be established for any drug recognized in an official compendium until the board has informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body has failed within a reasonable time to prescribe such requirements.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1959, Ch. 966. Operative January 1, 1960.)

26249. A drug shall be deemed to be misbranded (1) if its container is so made, formed, or filled as to be misleading; (2) if it is an imitation of another drug; or (3) if it is offered for sale under the name of another drug.

(Added by Stats. 1939, Ch. 730.)

26250. A drug or device shall be deemed to be misbranded if it is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended or suggested in the labeling thereof.

(Added by Stats. 1939, Ch. 730.)

26250.5. A drug shall be deemed to be misbranded if it was manufactured, prepared, propagated, compounded, or processed in an establishment not duly registered with the Secretary of Health, Education, and Welfare.

(Added by Stats. 1963, Ch. 1958.)

26251. (Added by Stats. 1939, Ch. 730; amended by Stats. 1941, Ch. 1210, by Stats. 1943, Ch. 779 and in identical language by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1951, Ch. 1615.)

26252. A drug or device sold on a prescription of a member of the medical, dental or veterinary profession (except a drug sold in the course of the conduct of a business selling drugs pursuant to diagnosis by mail) shall be exempt from the re-

quirements of this article if: (1) Such member of the medical, dental or veterinary profession is licensed by law to administer such drug or device, and (2) Such drug or device bears a label containing the name and place of business of the seller, the serial number and date of such prescription, the name of the person for whom such drug or device is prescribed, the name of such member of the medical, dental or veterinary profession, and bears directions for use as prescribed by such member of the medical, dental or veterinary profession.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1951, Ch. 1615, and by Stats. 1955, Ch. 1079.)

26253. A drug shall be deemed mislabeled or misbranded:

(1) If it be an imitation of or offered for sale under the name of another article;

(2) If the contents of the package as originally put up have been removed, in whole or in part, and other contents have been placed in such package.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779 and by Stats. 1951, Ch. 1615.)

26254. A drug shall be deemed to be misbranded if the package as offered for sale at retail or wholesale fails to bear a statement on the label of

(1) The quantity of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, barbituric acid, bromal, carbromal, coca, marijuana, paraldehyde, peyote, or sulfonmethane, and

(2) The quantity of any chemical derivative of such substances or any derivative or preparation of any such substances, contained therein, which derivative has been by the board after investigation, found to be, and by regulations under this act, designated as, habit forming, unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning—may be habit forming." The warning shall be printed as prescribed in Chapter 10 (commencing at Section 25900), Division 20 of this code.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779, and by Stats. 1959, Ch. 966. Operative January 1, 1960.)

26255. (1) A drug intended for use by man which:

(a) Is a habit-forming drug to which Section 26254 applies; or

(b) Because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to administer such drug; or

(c) Is limited by an effective application under Section 26288 to use under the professional supervision of a practitioner licensed by law to administer such drug, shall be dis-

pensed only (i) upon a written prescription of a practitioner licensed by law to administer such drug, or (ii) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by the pharmacist, or (iii) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist. The act of dispensing a drug contrary to the provisions of this paragraph shall be deemed to be an act which results in the drug being misbranded while held for sale.

(2) Any drug dispensed by filling or refilling a written or oral prescription of a practitioner licensed by law to administer such drug shall be exempt from the requirements of Sections 26241, 26242, 26243, 26244, 26245, 26246, 26247, 26250, and 26254, and the provisions of Section 26249 deeming a drug misbranded if its container is so formed, made, or filled as to be misleading, except the packaging requirements of Sections 26245, 26246 and 26247. If the drug bears a label containing the name and address of the dispenser, the serial number and date of the prescription or of its filling, the name of the prescriber, and, if stated in the prescription, the name of the patient, and the directions for use and cautionary statements, if any, contained in such prescription. This exemption shall not apply to any drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail, or to a drug dispensed in violation of subdivision (1) of this section.

(3) The board may by regulation remove drugs subject to Section 26254 and Section 26288 from the requirements of subdivision (1) of this section when such requirements are not necessary for the protection of the public health.

(4) A drug which is subject to subdivision (1) of this section shall be deemed to be misbranded if at any time prior to dispensing its label fails to bear the statement "Caution: Federal law prohibits dispensing without prescription," or "Caution: Not to be dispensed without a prescription." The cautionary statements shall be printed as prescribed in Chapter 10 (commencing at Section 25900), Division 20 of this code. A drug to which subdivision (1) of this section does not apply shall be deemed to be misbranded if at any time prior to dispensing its label bears the caution statement provided for in this subdivision.

(5) Nothing in this section shall be construed to relieve any person from any requirement described by or under authority of law with respect to drugs now included or which may hereafter be included within the classifications stated in Division 10 (commencing at Section 11000) of this code.

(Added by Stats. 1955, Ch. 1079; amended by Stats. 1959, Ch. 966. Operative January 1, 1960.)

Article 4. Advertising

26270. An advertisement of a drug or device shall be deemed to be false if it is false or misleading in any material particular.

(Added by Stats. 1939, Ch. 730.)

26271. No person shall compound for, give, or sell to any person any drugs, medicines, or other substances advertised, called for, labeled, or to be used for, the cure or treatment of gonorrhea, syphilis, chancre, lymphogranuloma inguinale, or granuloma inguinale except upon prescription of a duly licensed physician. Such prescription shall not be transferable to any person except the patient whose name appears thereon, and shall be kept on file by the person or firm providing the drug, medicine, or substance for two years during which it shall be open to inspection by any authorized agent of the State Department of Public Health. Prescriptions containing sulfanilamide, its compounds or derivatives, issued under this section, cannot be refilled without the order of the physician who prescribed same.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1941, Ch. 1210, and by Stats. 1943, Ch. 779; repealed and added by renumbering by Stats. 1951, Ch. 1615.)

26271(a). (Added by Stats. 1943, Ch. 779; amended and renumbered by Stats. 1951, Ch. 1615, to be 26271.)

26272. An advertisement not in violation of Section 26270 is not prohibited under Section 26286.5 if it is disseminated only to members of the medical, dental, pharmaceutical, or veterinary professions, or appears only in the scientific periodicals of these professions, or is disseminated only for the purpose of public health education by persons not commercially interested, directly or indirectly, in the sale of such drugs or devices.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1951, Ch. 1615.)

26273. Whenever the board determines that an advance in medical science has made any type of self-medication safe as to any of the diseases named in Section 26286.5, the board shall by regulation authorize the advertisement of drugs or devices having curative or therapeutic effect for such disease, subject to such conditions and restrictions as the board may deem necessary in the interests of public health.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1951, Ch. 1615, and by Stats. 1955, Ch. 1079.)

26274. This chapter shall not be construed as indicating that self-medication for diseases other than those named is safe or efficacious.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1951, Ch. 1615.)

26275. No publisher, radio-broadcast licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the drug or device to which a false advertisement relates, shall be liable under this article by reason of the dissemination by him of

such false advertisement, unless he has refused, on the request of the board to furnish the board the name and post-office address of the manufacturer, packer, distributor, seller or advertising agency, residing in the State of California who causes him to disseminate such advertisement.

(Added by Stats. 1939, Ch. 730.)

26276. In the case of any prescription drug distributed or offered for sale, a manufacturer, packer, or distributor thereof shall include in all advertisements and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to that drug a true statement of:

(1) The established name, printed prominently and in type at least half as large as that used for any trade or brand name thereof;

(2) The formula showing quantitatively each ingredient of such drug to the extent required for labels under Section 26243; and

(3) Such other information in brief summary relating to side effects, contraindications, and effectiveness as shall be required by regulations promulgated by the board.

(Added by Stats. 1963, Ch. 1958.)

Article 5. Prohibitions

(Article 5 added by Stats. 1939, Ch. 730)

26280. The manufacture, production, preparation, compounding, packing, selling, offering for sale, advertising or keeping for sale within the State of California, or the introduction into this State from any other State, Territory, or the District of Columbia, or from any foreign country, of any drug or device which is adulterated or misbranded is prohibited.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26281. Any person who imports or receives from any other state or territory or the District of Columbia or from any foreign country, or who having so received delivers for pay or otherwise or offers to deliver to any other person, any drug or device which is adulterated or misbranded, or which is falsely advertised in the State of California, or any person who manufactures, produces, prepares, compounds, packs, sells, offers for sale, or keeps for sale, in the State of California any such adulterated, misbranded, or falsely advertised drug or device shall be guilty of a misdemeanor punishable as provided in Section 26295.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779, and by Stats. 1961, Ch. 309.)

26282. No article shall be deemed misbranded or adulterated within the provisions of this chapter when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in

conflict with the laws of the foreign country to which the article is intended to be shipped.

If the article is in fact sold or offered for sale for domestic use or consumption, then this section shall not exempt the article from the operation of any of the provisions of this chapter.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26283. The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to, a drug or device is unlawful if such act results in such article being misbranded.

(Added by Stats. 1939, Ch. 730.)

26284. Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification emblem authorized or required by regulations promulgated under the provisions of this chapter is prohibited.

(Added by Stats. 1939, Ch. 730.)

26285. The adulteration or misbranding of any drug or device is prohibited.

(Added by Stats. 1939, Ch. 730.)

26286. The dissemination of any false advertisement of a drug or device is prohibited.

(Added by Stats. 1939, Ch. 730.)

26286.5. The advertisement of a drug or device represented to have any effect in any of the following diseases is unlawful and prohibited: albuminuria, appendicitis, arteriosclerosis, blood poison, bone disease, Bright's disease, cancer, carbuncles, cholecystitis, diabetes, cataracts, diphtheria, dropsy, erysipelas, gallstones, heart and vascular diseases, high blood pressure, mastoiditis, measles, meningitis, dental caries, mumps, nephritis, otitis media, paralysis, pneumonia, poliomyelitis (infantile paralysis), prostate gland disorders, pyelitis, alcoholism, erosion, periodontal diseases, epilepsy, goiter, scarlet fever, sexual impotence, sinus infection, smallpox, encephalitis, tumors, typhoid, uremia, venereal disease, whooping cough, tuberculosis, ulcers of the stomach, and varicose ulcers.

(Added by Stats. 1951, Ch. 1615.)

26287. The using on the labeling of any drug or device or in any advertisement relating to such drug or device of any representation or suggestion that an application with respect to such drug or device is effective under Section 26288 or that such drug or device complies with the provisions of that section is prohibited.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1955, Ch. 1079.)

26288. The sale, offering for sale, holding for sale, delivering or giving away of any new drug or device is unlawful and prohibited unless (1) an application with respect thereto has been approved under Section 505 of the federal act, or (2) if the drug or device is not subject to the federal act unless such drug or device has been tested and has been found to be safe

and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof, and prior to selling or offering for sale such drug or device there has been approved an application filed with the board setting forth:

(a) Full reports of investigations which have been made to show whether or not such drug or device is safe for use, and whether such drug or device is effective in use;

(b) A full list of the articles used as components of such drug or device;

(c) A full statement of the composition of such drug or device;

(d) A full description of the methods used in, and the facilities and controls used for, the manufacture, processing and packing of such drug, or in the case of a device, a full statement of its composition, properties and construction and the principle or principles of its operation;

(e) Such samples of such drug or device and of the articles used as components of the drug or device as the board may require; and

(f) Specimens of the labeling and advertisements proposed to be used for such drug or device.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1951, Ch. 1615, by Stats. 1955, Ch. 1079, by Stats. 1959, Ch. 1623, and by Stats. 1963, Ch. 1958.)

26289. Within 180 days after the filing of an application provided for in subdivision (2) of Section 26288, or such additional period as may be agreed upon by the board and the applicant, the board shall either:

(1) Approve the application if it finds that none of the grounds for denying approval specified in Section 26290 applies, or

(2) Give the applicant notice for an opportunity for a hearing before the board on the question whether such application is approvable. If the applicant elects to accept the opportunity for hearing by written request within 30 days after such notice, such hearing shall commence not more than 90 days after the expiration of such 30 days unless the board and the applicant otherwise agree. Any such hearing shall thereafter be conducted on an expedited basis and the board order thereon shall be issued within 90 days after the date fixed by the board for filing final briefs.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1959, Ch. 1623; repealed and added by Stats. 1963, Ch. 1958.)

26289.5. (a) In the case of any drug or device for which an approval of an application filed pursuant to this chapter is in effect, the applicant shall establish and maintain such records, and make such reports to the board, of data relating to clinical experience and other data or information, received or otherwise obtained by such applicant with respect to such drug or device, as the board may prescribe on the basis of a finding that such records and reports are necessary in order

to enable the board to determine, or facilitate a determination, whether there is or may be ground for suspension of the application.

(b) Every person required under this section to maintain records, and every person in charge of custody thereof shall, upon request of an agent of the board, permit such agent at all reasonable times to have access to and copy and verify such records.

(Added by Stats. 1963, Ch. 1958.)

26290. The board shall issue an order refusing to permit the application to become effective, if, after due notice to the applicant and opportunity for a hearing, the board finds any of the following:

(a) The investigations, reports of which are required to be submitted to the board pursuant to subdivision (2) of Section 26288, do not include adequate tests by all methods reasonably applicable to show whether or not a drug or device is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof.

(b) The results of tests specified in subdivision (a) show that a drug or device is unsafe for use under the conditions specified in subdivision (a) or do not show that the drug or device is safe for use under such conditions.

(c) The methods used in, and the facilities and controls used for, the manufacture, processing, and packing of a drug or device are inadequate to preserve its identity, strength, quality, and purity.

(d) Upon the basis of the information submitted to it as part of the application, or upon the basis of any other information before it with respect to a drug or device, it has insufficient evidence to determine whether the drug or device is safe for use under the conditions specified in subdivision (a).

(e) Evaluated on the basis of the information submitted to it as part of the application and any other information before it with respect to such drug or device there is a lack of substantial evidence that the drug or device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling or advertising thereof.

(f) The application contains any untrue statement of a material fact.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1955, Ch. 1079, by Stats. 1959, Ch. 1623, and by Stats. 1963, Ch. 1958.)

26290.5. (a) The board shall issue an order withdrawing approval of an application concerning any drug or device if, after due notice to the applicant and opportunity for a hearing, the board finds any of the following:

(1) That clinical or other experience, tests, or other scientific data show that such drug or device is unsafe for use under the conditions of use upon the basis of which the application was approved;

(2) That new evidence of clinical experience, not contained in such application or not available to the board until after such application was approved, or tests by new methods, or tests by methods not deemed reasonably applicable when such application was approved, evaluated together with the evidence available to the board when the application was approved, shows that such drug or device is not shown to be safe for use under conditions of use upon the basis of which the application was approved; or

(3) On the basis of new information with respect to such drug or device, evaluated together with the evidence available to the board when the application was approved, that there is a lack of substantial evidence that the drug or device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling or advertising thereof; or

(4) That the application contains any untrue statement of a material fact.

(b) If the board finds that there is an imminent hazard to the public health, it may suspend the approval of such application immediately.

(c) The board may also, after due notice and opportunity for hearing, withdraw the approval of an application with respect to any drug or device under this section if the board finds any of the following:

(1) That the applicant has failed to establish a system for maintaining required records, or has repeatedly or deliberately failed to maintain such records or to make required reports, or the applicant has refused to permit access to, or copying or verification of, such records; or

(2) That on the basis of new information before the board, evaluated together with the evidence before it when the application was approved, the methods used in, or the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to assure and preserve its identity, strength, quality, and purity and were not made adequate within a reasonable time after receipt of written notice from the board specifying the matter complained of; or

(3) That on the basis of new information before it, evaluated together with the evidence before it when the application was approved, the labeling of such drug or device, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the board specifying the matter complained of.

(d) Any order under this section shall state the findings upon which it is based.

(Added by Stats. 1959, 1623; amended by Stats. 1963, Ch. 1958.)

26291. An order refusing to permit an application, concerning any drug or device, to become effective shall be revoked whenever the board finds that the facts justify such action.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1959, Ch. 1623.)

26292. Section 26288 shall not apply to any of the following:

(1) To a drug or device intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety and effectiveness of drugs or devices, if all of the following conditions are complied with:

(a) The label of the drug or device bears the statement "Caution: New drug (or device). Limited by law to investigational use."

(b) The drug or device has had adequate testing on appropriate experimental animals to demonstrate a lack of toxicity and hazard sufficient to permit its use in or on human beings in equivalent dosage and to establish with clarity the margins of safety ordinarily recognized by experts qualified by scientific training and experience to investigate the safety and effectiveness of such drugs or devices.

(c) The drug or device is to be used solely for investigational use by or under the direction of, an expert qualified by scientific training and experience to investigate the safety and effectiveness of such drug or device.

(d) A written statement signed by the expert has been filed with the board. The statement shall show that the expert has adequate facilities for the investigation to be conducted by him, and that the drug or device will be used solely by him or under his direction for the investigation, unless and until an application becomes effective, concerning such drug or device, under Section 26289.

(e) The statement referred to in subdivision (d) is kept by the expert and complete records showing the date, quantity and batch or code mark (if any) of each such shipment and delivery.

(f) All records and statements referred to in subdivisions (d) and (e) are made available by the expert for inspection upon the request of any agent of the board at any reasonable hour until two years after the introduction of such shipment or delivery into intrastate commerce.

(g) The manufacture, or the sponsor of the investigation, of a drug or device to be used solely for investigational use shall require that experts using such drugs or devices certify to the manufacturer or sponsor that they will inform any human beings to whom such drugs or devices, or any controls used in connection therewith, are being administered, or their representatives, that such drugs or devices are being used for investigational purposes and will obtain the consent of such human beings or their representatives, except where they deem it not feasible or, in their professional judgment, contrary to the best interests of such human beings.

(2) To a drug or device sold in this State at any time prior to the effective date of this chapter, or to a drug introduced into interstate commerce at any time prior to the enactment of the federal act.

(3) To any drug which is licensed under the Federal Virus, Serum, and Toxin Act of March 4, 1913 (37 Stat. 832), or Chapter 4 (commencing at Section 1600) of Division 2 of this code.

(4) To products produced by a laboratory licensed under Section 351 of Title III of the Public Health Service Act (Public Law 410, Chapter 373, 78th Congress—Second Session).

(5) To any antibiotic drug subject to Section 26243.5 of this code.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1955, Ch. 1079, by Stats. 1959, Ch. 1623 and by Stats. 1963, Ch. 1958.)

26293. The possession, sale, or offering for sale of any adulterated, mislabeled or misbranded drugs or devices by any manufacturer, producer, jobber, packer or dealer in drugs or devices, or broker, commission merchant, agent, employee or servant of any such manufacturer, producer, jobber, packer, or dealer shall be prima facie evidence of the violation of this chapter.

(Added by Stats. 1939, Ch. 730.)

26294. It shall be unlawful to refuse to permit, to attempt to prevent, or to prevent the free access of any agent of the board to any factory, warehouse, or establishment in which a drug or device is, or is suspected of being manufactured, processed, packed or held for introduction into commerce, or to any vehicle being used or suspected of being used to transport or hold such drug or device.

(Added by Stats. 1957, Ch. 352.)

26295. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25) or more than five hundred dollars (\$500), or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

If the violation is committed after a conviction of such person under this section has become final, such person shall be subject to imprisonment for not more than one year in the county jail, or a fine of not more than one thousand dollars (\$1,000), or both such imprisonment and fine.

(Added by Stats. 1939, Ch. 730.)

26296. No dealer shall be prosecuted under the provisions of this chapter if after receipt of an article he has used reasonable care in the use and handling thereof and he can produce a guaranty signed by the wholesaler, jobber, manufacturer, or other party located or residing in the United States from whom he purchased such article, to the effect that the same is not

adulterated, or misbranded within the meaning of this chapter; provided, however, that as to drug contained in an original unbroken package, no retailer, who after the receipt of such package has used reasonable care in the use and handling thereof, shall be prosecuted under this chapter for a violation of any provision thereof in connection with any article received by such retailer in the regular channels of trade and as usual first-class merchantable stock and not as seconds, or damaged articles or merchandise or job lots purchased under such conditions as to put the purchaser on notice that such merchandise was not regular first-class merchandise. The guaranty must be dated prior to the date of sale of the article.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26297. Such guaranty may be either general or special and must be produced prior to the time of certification of facts to the district attorney for prosecution.

(Added by Stats. 1939, Ch. 730.)

26298. A general guaranty shall guarantee without condition or restriction all of the products or articles produced, prepared, compounded, packed, distributed, or sold by the guarantor as not adulterated, mislabeled or misbranded within the meaning of this chapter.

(Added by Stats. 1939, Ch. 730.)

26299. A special guaranty shall guarantee in the same manner as a general guaranty the particular articles listed in an invoice of the articles, and shall be attached to or shall fully identify such invoice.

(Added by Stats. 1939, Ch. 730.)

26300. To afford protection all guaranties must contain the name and address of the party or parties making the sales of such articles to the person.

(Added by Stats. 1939, Ch. 730.)

26301. A guaranty shall protect a person only where the article covered by such guaranty remains identical, both as to composition and labeling, with the article as composed and labeled when received by the person from the guarantor.

(Added by Stats. 1939, Ch. 730.)

26302. If the guaranty is to the effect that such article is not adulterated or misbranded within the meaning of the Federal act, it shall be sufficient for all the purposes of this chapter and have the same force and effect as though it referred to this chapter whether given by a person residing in the United States or elsewhere, unless at any time the standard for the article concerned under this chapter is higher than the standard for a like article under the Federal act.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26303. In case the wholesaler, jobber, manufacturer or other party making such guaranty to the person resides without this State and it appears from the certificate of the Chief of the Bureau of Laboratories that such article or articles were adul-

terated or misbranded, within the meaning of this chapter or the Federal act, the district attorney must forthwith notify the Attorney General of the United States of such violation.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26304. In the case of a prescription drug distributed or offered for sale, the failure of the manufacturer, packer, or distributor thereof to maintain for transmittal, or to transmit, to any practitioner licensed by applicable state law to administer such drug who makes written request for information as to such drug, true and correct copies of all printed matter which is required to be included in any package in which that drug is distributed or sold is prohibited. Nothing in this section shall be construed to exempt any person from any labeling requirement imposed by or under other provisions of this chapter.

(Added by Stats. 1963, Ch. 1958.)

Article 6. Administration

(Article 6 added by Stats. 1939, Ch. 730)

26320. The standards of purity of drugs shall be the United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, and the National Formulary.

(Added by Stats. 1939, Ch. 730.)

26321. The authority to promulgate regulations for the efficient enforcement of this chapter is vested in the board. The board is authorized to make the regulations promulgated under this chapter conform, in so far as practicable, to those promulgated under the Federal act. The violation of a regulation promulgated under this chapter shall be deemed to be a violation of this chapter.

(Added by Stats. 1939, Ch. 730.)

26322. Hearings authorized or required by this chapter shall be conducted by the board or such officer, agent, or employee as the board may designate for the purpose.

(Added by Stats. 1939, Ch. 730.)

26323. Before promulgating any regulation, the board shall give appropriate notice of the proposal and of the time and place for a hearing. The regulation so promulgated shall become effective on a date fixed by the board. The effective date shall not be prior to 90 days after the promulgation of the regulation. Such regulation may be amended or repealed in the same manner as is provided for its adoption.

In the case of a regulation amending or repealing any regulation the board, to such an extent as it deems necessary in order to prevent undue hardship, may disregard the foregoing provisions regarding notice, hearing, or effective date.

(Added by Stats. 1939, Ch. 730.)

26324. The board shall require examinations to be made of samples secured under the provisions of this chapter to deter-

mine whether or not any provision of this chapter is being violated.

(Added by Stats. 1939, Ch. 730.)

26325. The board may appoint such agents as it may deem necessary.

(Added by Stats. 1939, Ch. 730.)

26326. The sheriffs of the respective counties of the State are hereby appointed agents for the enforcement of this chapter.

(Added by Stats. 1939, Ch. 730.)

26327. Any agent shall have free access, at all reasonable hours, for the purpose of examining any place where it is suspected that any article of adulterated, misbranded, or falsely advertised drugs and devices exist.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779, and by Stats. 1955, Ch. 693.)

26328. If a sale is refused upon a tender of the market price of the articles, the agent may take from any person samples of any articles suspected of being adulterated, misbranded, or falsely advertised, and shall deliver or forward such samples to the state laboratory for examination and analysis.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779, and by Stats. 1955, Ch. 693.)

26329. The Chief of the Bureau of Food and Drug Inspections and the agents and inspectors of the board shall have the powers possessed by peace officers in this State.

(Added by Stats. 1939, Ch. 730.)

26330. The board or its duly authorized agent shall have free access at all reasonable hours to any factory, warehouse, or establishment in which drugs or devices are manufactured, processed, packed, or held for introduction into commerce, or to enter any vehicle being used to transport or hold such drugs and devices, in commerce, for the purpose:

(1) Of inspecting such factory, warehouse, establishment, or vehicle to determine if any of the provisions of this chapter are being violated; and in the case of any factory, warehouse, establishment, or consulting laboratory in which prescription drugs are manufactured, processed, packed, or held, the inspection shall extend to all things therein (including records, files, papers, processes, controls, and facilities) bearing on whether prescription drugs which are adulterated or misbranded within the meaning of this chapter, or which may not be manufactured, introduced into commerce, or sold, or offered for sale by reason of any provision of this chapter, have been or are being manufactured, processed, packed, transported, or held in any such place, or otherwise bearing on violation of this chapter. No inspection authorized for prescription drugs by the preceding sentence shall extend to (a) financial data, (b) sales data other than shipment data, (c) pricing data, (d) personnel data (other than data as to qualifications of technical and professional personnel performing functions subject to this chapter), and (e) research data (other than

data, relating to new drugs subject to reporting under this chapter).

(2) To secure samples or specimens of any drugs and devices after paying or offering to pay for such sample.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1963, Ch. 1958.)

26331. Whenever it has satisfactory evidence of the violation of any of the provisions of this chapter respecting the adulteration or misbranding of drugs and devices and after the hearing provided in Section 26340, the department shall report such facts to the district attorney of the county or the prosecuting officer of the city where the law is violated.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1945, Ch. 1009, and by Stats. 1957, Ch. 352.)

26332. Nothing in this chapter shall be construed as requiring the board to report for the institution of proceedings under this chapter, minor violations of this chapter, whenever the board believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning.

(Added by Stats. 1939, Ch. 730.)

26333. The board may cause to be published from time to time reports summarizing all judgments, decrees, and court orders which have been rendered under this chapter, including the nature of the charge and the disposition thereof.

(Added by Stats. 1939, Ch. 730.)

26334. The board may cause to be disseminated such information regarding drugs and devices as the board deems necessary in the interest of public health and the protection of the consumer against fraud. Nothing in this section shall be construed to prohibit the board from collecting, reporting, and illustrating the results of the investigations of the board.

(Added by Stats. 1939, Ch. 730.)

26335. Any person who refuses to sell to any agent of the board any sample of drug or device upon tender of the market price therefor, or who conceals any such drug or device from such officer, or who withholds from the officer information respecting the place where such drug or device is kept or stored is guilty of a misdemeanor punishable as provided in section 26295.

(Added by Stats. 1939, Ch. 730.)

26336. The director shall require the Chief of the Division of Laboratories or the Chief of the Bureau of Food and Drug Inspection to make examinations and analyses of drugs or devices which are on sale in California and which are suspected of being adulterated, misbranded, or falsely advertised.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779, by Stats. 1945, Ch. 1009, and by Stats. 1955, Ch. 693.)

26337. Whenever evidence indicates or examination or analysis show that adulterated or misbranded drugs and devices have been on sale in this State, the Chief of the Division of Lab-

oratories of the State department shall forthwith report to the director and shall promptly transmit a certificate of the facts so found.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779, and by Stats. 1945, Ch. 1009.)

26338. Whenever evidence indicates that adulterated or misbranded drugs or devices have been on sale in this State, the Chief of the Bureau of Food and Drug Inspections shall forthwith report to the secretary of the board and shall promptly transmit a certificate of the facts so found.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26339. Every certificate certified to by the Chief of the Division of Laboratories or by the Chief of the Bureau of Food and Drug Inspections shall be prima facie evidence of the facts therein stated.

(Added by Stats. 1939, Ch. 730.)

26340. When the certificate certified to by the Chief of the Division of Laboratories of the State department or when the certificate certified to by the Chief of the Bureau of Food and Drug Inspections shows that any provisions of this chapter have been violated, notice of that fact, together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained, or who executed the guaranty, as provided in this chapter. A time at which the parties may be heard shall be set.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1945, Ch. 1009.)

26341. The hearings shall be held at such place as the board or the person conducting the hearing may designate. The hearings shall be private and confined to the consideration of fact. Parties interested may appear in person or by attorney and may propound interrogatories and submit oral or written evidence to show any fault or error in the findings made by the State laboratory.

(Added by Stats. 1939, Ch. 730.)

26342. If the examination or analysis is found to be correct, or if the party fails to appear at such hearing after notice duly given, director shall forthwith transmit a certificate of the facts so found to the district attorney of the county or the prosecuting officer of the city in which the adulterated or misbranded drugs or devices were found. No publication of the facts found shall be made until the conclusion of the hearing.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779, by Stats. 1945, Ch. 1009, and by Stats. 1957, Ch. 352.)

26343. On or before August 1st of each year, the Chief of the Division of Laboratories of the State department shall make an annual report to the board upon adulterated or misbranded drugs and devices. The report shall include the list of cases examined by him in which adulterants were found, the

list of articles found to be misbranded, and the names of the manufacturers, producers, jobbers and sellers. The Chief of the Bureau of Food and Drug Inspections shall report at the same time on all activities of that bureau.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26344. The board may include the reports, or any parts thereof, in the report which the board makes to the Governor.

(Added by Stats. 1939, Ch. 730.)

26360. Whenever a duly authorized agent of the board finds, or has probable cause to believe, that any drug or device is adulterated, misbranded, or falsely advertised, he shall affix to such articles a tag or other appropriate marking giving notice that such article is, or is suspected of being, adulterated, misbranded, or falsely advertised and has been detained or quarantined, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by the Chief of the Bureau of Food and Drug Inspection or the court.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1955, Ch. 693.)

26361. Whenever the findings of the State laboratory or of the Chief of the Bureau of Food and Drug Inspections show after investigation and examination that any drug or device found in the possession of any person is adulterated or misbranded the drug or device may be seized and quarantined.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26362. The drug or device shall not thereafter be sold, offered for sale, removed or otherwise disposed of until further notice in writing from the director or the Chief of the Bureau of Food and Drug Inspections. The unauthorized sale, removal or disposal of any quarantined article shall constitute a violation of this chapter, punishable as provided in Section 26295.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1945, Ch. 1009, and by Stats. 1955, Ch. 1079.)

26363. The Chief of the Bureau of Food and Drug Inspections shall report immediately to the director all actions relating to the seizure of such drugs and devices and their release.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1945, Ch. 1009.)

26364. Drugs or devices found to be adulterated or misbranded may, by order of a court or judge, or in the absence of such an order, with the written consent of the owner thereof, be seized or destroyed.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26365. Any superior or inferior court of this State shall have power to condemn drugs and devices under the provisions of this article.

(Added by Stats. 1939, Ch. 730.)

26366. When an article is found to be adulterated or misbranded, and is detained or quarantined under this article, the board shall commence proceedings in the name of the people of the State of California against such article in the superior court of the county or city and county in which the article is detained or quarantined by petitioning said court for a judgment to forfeit, condemn and destroy such article. Upon the filing of such petition, the clerk of said court shall fix a time and place for the hearing thereof, and cause notices thereof to be prepared notifying all persons who may claim an interest in said article of the time and place of said hearing. A copy of the petition and notice shall be posted for 14 days in at least three public places in the town, city or city and county where the court is held, and in a conspicuous place where such article is detained or quarantined. A copy of the petition and notice shall also be served upon each person in possession of said article and on each owner or claimant whose name and address is known. Said service may be made by personal service or by registered mail to the last known address of such person. At any time prior to the date of the hearing any person in possession of said article, or owner thereof or claimant thereto, may file an answer which may include a prayer for a judgment of release of such article or relief in accordance with Sections 26368 and 26369. At the time set for the hearing the court shall commence to hear and determine said proceeding, but may, for good cause shown, continue the hearing to a day certain; provided, the court shall finally determine all the issues presented by the petition and answer within 60 days after the date when the matter was first set for hearing.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779, and by Stats. 1947, Ch. 656.)

26366.5. If, within 30 days after detention or quarantine of any article under this article, the board has not commenced a proceeding under Section 26366, then the person in possession of such article, or the owner thereof or any claimant thereto, may commence a proceeding in the superior court of the county or city and county in which the article is detained or quarantined, by petitioning said court for a judgment to release said article or for relief under Sections 26368 and 26369. Upon the filing of such petition, the clerk of the court shall fix a time and place for the hearing thereof, and cause notices thereof to be prepared notifying all persons who may claim an interest in the article of the time and place of the hearing. A copy of the petition and notice shall be posted for

14 days in at least three public places in the town, city or city and county where the court is held, and in a conspicuous place where such article is detained or quarantined. A copy of the petition and notice shall also be served upon the board by serving it upon the executive officer of said board. Service may be made by personal service or by registered mail addressed to the board at the office of the executive officer, Berkeley, California.

At the time set for the hearing the court shall commence to hear the proceeding but may, for good cause shown, continue the hearing to a day certain; provided, the court shall finally determine all the issues presented in the proceeding within 60 days after the date when the matter was first set for hearing.

(Added by Stats. 1947, Ch. 656; amended by Stats. 1957, Ch. 205.)

26367. If the court finds that a detained or quarantined article is adulterated or misbranded, after entry of the decree such article shall be destroyed at the expense of the claimant thereof, under the supervision of an agent of the board. All court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26368. If the adulteration or misbranding can be corrected by proper labeling or processing of the article, after entry of the decree and after costs, fees and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled or processed, has been executed, the court may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of an agent of the board. The expense of such supervision shall be paid by the claimant.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26369. The bond shall be returned to the claimant of the article on representation to the court by the board that the article is no longer in violation of this chapter and that the expenses of such supervision have been paid.

(Added by Stats. 1939, Ch. 730.)

26369.5. If at any time after detention or quarantine, a duly authorized agent of the board finds that an article detained or quarantined is not adulterated or misbranded, such agent shall remove the tag or other marking.

(Added by Stats. 1947, Ch. 656.)

26380. On presentation to him of a verified complaint of the violation of any provisions of this chapter, the sheriff of any county of this State shall at once obtain by purchase a sample of the adulterated or misbranded drug or device complained of, and divide the article into three parts. Each part shall be sealed by the sheriff with a seal provided for that purpose. If the package be less than four pounds in weight or in

volume less than two quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each package noted as above.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26381. One sample shall be delivered to the party from whom procured or to the party guaranteeing such merchandise, one sample shall be sent to the director of the State laboratory, and the third sample shall be sent to, and held under seal by, the board.

(Added by Stats. 1939, Ch. 730.)

26382. For his services under this chapter the sheriff shall be allowed the same fees for travel allowed by law to sheriffs on service of criminal process, together with such compensation as the board of supervisors of the county may deem reasonable, and all amounts expended by him in procuring and transmitting samples.

(Added by Stats. 1939, Ch. 730.)

26383. The fees and amount expended shall be audited and allowed by the supervisors and paid by the county as other bills of the sheriff.

(Added by Stats. 1939, Ch. 730.)

26384. The district attorney of each county shall prosecute all violations of the provisions of this chapter occurring within the county.

(Added by Stats. 1939, Ch. 730.)

26385. One-half of all fines collected by any court or judge for the violations of the provisions of this chapter shall be paid into the State Treasury to the credit of the General Fund.

(Added by Stats. 1939, Ch. 730.)

CHAPTER 3. FOODS

(Chapter 3 added by Stats. 1939, Ch. 731)

Article 1. General Provisions

(Article 1 added by Stats. 1939, Ch. 731)

26450. "Food" includes all articles used for food, drink, liquor, confectionery, condiment, or chewing gum by man or other animals, whether such articles are simple, mixed or compound.

(Added by Stats. 1939, Ch. 731.)

26450.5. "Orange juice drink" means the beverage made from potable water, orange juice in the form of natural strength pure orange juice, pulpy orange juice, orange juice reconstituted from concentrate, or any combination of these, sugar, lemon juice or citric acid, and natural orange peel oil. It shall be free of artificial flavor, artificial color, and artificial cloud. "Orange juice drink" shall contain sufficient orange juice or concentrated orange juice to supply from the juice in each 10 ounce serving the minimum daily adult require-

ment of Vitamin C as prescribed by the United States Food and Drug Administration (30 milligrams) and shall have a minimum of 30 percent orange juice or reconstituted orange juice in the finished drink. A preservative may be used in accordance with the regulations of the department. The definition and standards provided for in this section shall apply to all beverages produced or sold under the name "orange juice drink" but shall not apply to nor affect any beverage produced or sold under any other name.

(Added by Stats. 1955, Ch. 1211.)

26451. "Package" includes any phial, bottle, jar, demijohn, carton, bag, case, can, box or barrel or any receptacle, vessel or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer or dealer, for inclosing or containing any article of food.

(Added by Stats. 1939, Ch. 731.)

26452. The term "label" means a display of written, printed or graphic matter upon the immediate container of any article.

(Added by Stats. 1939, Ch. 731.)

26453. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper.

(Added by Stats. 1939, Ch. 731.)

26454. The term "immediate container" does not include package liners.

(Added by Stats. 1939, Ch. 731.)

26455. The term "labeling" means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

(Added by Stats. 1939, Ch. 731.)

26456. If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then in determining whether the labeling or advertisement is misleading, there shall be taken into account among other things) not only representations made or suggested by statement, word, design, emblem, sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.

(Added by Stats. 1939, Ch. 731.)

26457. The term "advertisement" means all representations or any representation disseminated in any manner or by any

means other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of food.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26458. The term "contaminated with filth" applies to any food not securely protected from dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.

(Added by Stats. 1939, Ch. 731.)

26459. The provisions of this chapter regarding the selling of food, shall be considered to include the manufacture, production, processing, packing, exposure, offer, possession, and holding of any such article for sale; the sale, dispensing, and giving of any such article; and the supplying or applying of any such articles in the conduct of any food establishment.

(Added by Stats. 1939, Ch. 731.)

26460. The term "Federal act" means the Federal Food, Drug and Cosmetic Act.

(Added by Stats. 1939, Ch. 731.)

26461. The provisions of this division shall be so construed as to not be in conflict with the provisions of the Agricultural Code, or with the provisions of the Alcoholic Beverage Control Act and the rules and regulations adopted pursuant thereto, and in the event of a conflict, the provisions of the Alcoholic Beverage Control Act or the rules and regulations adopted pursuant thereto shall control.

(Added by Stats. 1939, Ch. 731.)

26462. Beer, being subject to the Alcoholic Beverage Control Act in other respects, shall be subject only to the provisions of this chapter which relate to adulteration and misbranding.

(Added by Stats. 1939, Ch. 731.)

26463. The sections contained in Chapter 3 of Division 21 of the Health and Safety Code may be known as the California Pure Foods Act. (Short Title.)

(Added by Stats. 1943, Ch. 838.)

26464. It is unlawful to sell for use as food any dead wild rabbit or canned wild rabbit, imported from outside the United States, which does not indicate on the label of the container the words "wild rabbit" in lettering of not less than one-half the size of the largest printing appearing on the label.

(Added by Stats. 1955, Ch. 733.)

26465. The term "food additive" means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food (including any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food; and including any source of radiation intended for any such use), if such substance is not generally recognized, among experts qualified by scientific

training and experience to evaluate its safety, as having been adequately shown through scientific procedures (or, in the case of a substance used in food prior to January 1, 1958, through either scientific procedures or experience based on common use in food) to be safe under the conditions of its intended use.

The term "food additive" does not include any of the following:

(a) A pesticide chemical in or on a raw agricultural commodity.

(b) A pesticide chemical to the extent that it is intended for use or is used in the production, storage, or transportation of any raw agricultural commodity.

(c) Any substance used in accordance with a sanction or approval granted prior to the enactment of this section at the 1959 Regular Session of the Legislature pursuant to the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040), the Poultry Products Inspection Act (71 Stat. 441), or the provisions of the Act of March 4, 1907, Chapter 2907 (34 Stat. 1256).

(d) Any substance used in accordance with a sanction or approval granted pursuant to this chapter, Article 1 (commencing at Section 301) of Chapter 1, Division 3 of the Agricultural Code, Article 2 (commencing at Section 377.1) of Chapter 3, Division 3 of the Agricultural Code, or Chapter 2 (commencing at Section 450) of Division 4 of the Agricultural Code, or Article 1 (commencing at Section 460) of Chapter 3 of Division 4 of the Agricultural Code, or Chapter 6 (commencing at Section 560) of Division 4 of the Agricultural Code, or Chapter 7a (commencing at Section 1081) of Division 5 of the Agricultural Code.

(Added by Stats. 1959, Ch. 1349. In effect July 1, 1959.)

26466. "Safe," as used in this chapter, has reference to the health of man or animal as used in the Food Additives Amendment of 1958 (Public Law 85-929; 72 Stat. 1784).

The term "pesticide chemical" means any economic poison as defined in Section 1061 of the Agricultural Code.

The term "raw agricultural commodity" means any food in its raw or natural state, including all fruits that are washed, colored or otherwise treated in their unpeeled, natural form prior to marketing.

(Added by Stats. 1959, Ch. 1349. In effect July 1, 1959.)

26467. It is unlawful to sell packaged dehydrated food sealed and labeled as "emergency food pack," "disaster pack," or "civil defense pack," or with language of similar import, unless the label states the contents of the package; the number of items of food contained therein, stated by quantity of each product, by weight of each, and the number of servings of each; and the nutritional value of each.

The Department of Public Health shall by regulations establish the manner of stating the nutritional values upon the labels of such packages.

(Added by Stats. 1959, Ch. 1708; amended by Stats. 1961, Ch. 315.)

26468. The term "color additive" means a material which:

(a) Is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source, and

(b) When added or applied to a food is capable, alone or through reaction with other substance, of imparting color thereto; except that such term does not include any material which the board, by regulation, determines is used, or intended to be used, solely for a purpose or purposes other than coloring.

(c) The term "color" includes black, white, and intermediate grays.

(d) Nothing in subdivision (a) of this section shall be construed to apply to any pesticide chemical, soil or plant nutrient, or other agricultural chemical solely because of its effect in aiding, retarding, or otherwise affecting, directly or indirectly, the growth or other natural physiological processes of produce of the soil and thereby affecting its color, whether before or after harvest.

(Added by Stats. 1961, Ch. 308.)

Article 2. Adulteration

(Article 2 added by Stats. 1939, Ch. 731)

26470. A food shall be deemed to be adulterated:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health; or

(2) If it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of Section 26471; or

(3) If it consists in whole or in part of a diseased, contaminated, filthy, putrid or decomposed substance, or if it is otherwise unfit for food; or

(4) If it has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health; or

(5) If it is a diseased animal or the product of a diseased animal or an animal which has died otherwise than by slaughter, or which has been fed upon the uncooked offal from a slaughterhouse; or

(6) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(7) If it is a canned poultry product or products containing poultry meat which does not comply with any standards of freshness and purity prescribed by the board under

Article 6 of this chapter, notwithstanding a compliance with the labeling requirements of Section 26494.

(8) If it is, bears, or contains any food additive which is unsafe within the meaning of the Food Additives Amendment of 1958 (Public Law 85-929; 72 Stat. 1784).

(9) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to the federal act.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1941, Ch. 1149, by Stats. 1955, Ch. 694, and by Stats. 1959, Ch. 1349. In effect July 1, 1959.)

26470.5. Nothing in this article shall prohibit the adding of fluorine or fluorine compounds to water intended for sale to the public as bottled water for domestic use in such manner and to such an extent as may be approved by the state department; provided, that the labeling requirements hereinafter set forth in this chapter are met.

(Added by Stats. 1951, Ch. 1627.)

26471. Any poisonous or deleterious substance added to any food except where such substance is required in the production thereof or can not be avoided by good manufacturing practice, shall be deemed to be unsafe for purposes of the application of clause (2) of Section 26470.

If such substance is so required or can not be so avoided, the board shall promulgate regulations limiting the quantity therein or thereon to such extent as the board finds necessary for the protection of public health, and any quantity exceeding the limits so fixed shall also be deemed to be unsafe for purposes of the application of clause (2) of Section 26470.

While such a regulation is in effect limiting the quantity of any such substance in the case of any food, such food shall not, by reason of bearing or containing any added amount of such substance within the tolerance allowed, be considered to be adulterated within the meaning of clause (2) of Section 26470.

In determining the quantity of such added substance to be tolerated in or on different articles of food, the board shall take into account the extent to which the use of such substance is required or can not be avoided in the production of each such article, and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

(Added by Stats. 1939, Ch. 731.)

26472. A food shall be deemed to be adulterated:

(a) (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or

(2) If any substance has been substituted wholly or in part therefor; or

(3) If damage or inferiority has been concealed in any manner; or

(4) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce

its quality or strength or make it appear better or of greater value than it is.

(b) If it is confectionery and it bears or contains any alcohol or nonnutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of 1 per centum, harmless natural gum and pectin. This subsection shall not apply to any confectionery by reason of its containing less than one-half of 1 per centum by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless non-nutritive masticatory substances.

(c) If it bears or contains a color additive other than one listed or certified by the United States Department of Health, Education, and Welfare, Food and Drug Administration.

(d) If any mineral oil has been added thereto or mixed or packed therewith contrary to the provisions of this chapter.

(e) If it be fresh meat and it contains any chemical substance containing sulphites, sulphur dioxide, benzoic acid, salts of benzoic acid or any other chemical preservative, or any substance which is not approved for use in fresh meat by the United States Department of Agriculture, Agricultural Research Service, or the Division of Animal Industry of the California State Department of Agriculture, or the California State Board of Public Health.

(f) If it be chopped or ground beef, or hamburger containing any substance other than the voluntary striated muscle of fresh beef, except those substances approved by the State Department of Public Health, or if the total fat content (determined by ether extract method of analysis) of chopped or ground beef, or hamburger is in excess of 30 percent.

Nothing in this subdivision shall be deemed to prohibit the use of monosodium glutamate in such chopped or ground beef and hamburger.

(g) Notwithstanding the provisions of Section 26461, nothing in this article shall be deemed to prohibit the use of common salt, sugar (cane or beet), maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup and glucose syrup, wood smoke, a vinegar, pure spices, spice oils, flavorings, saltpeter, nitrate of soda, nitrite of soda and potassium nitrite in meat food products such as sausage, corned, brined or pickled meats, hams, bacon and the like. No such substances shall increase the green or original weight by more than 10 percent of products which are not smoked or cooked, with the exception of fresh uncured beef brisket in which case the finished cured product may exceed the weight of the fresh uncured brisket by 20 percent, nor shall any such substance increase the green or original weight by more than 1 percent of the green or original weight of products which are cooked or smoked. In the case of meat food products such as sausage, 10 percent added water shall be permitted and allowed in smoked or cooked products of such nature and 3 percent in said products which are not cooked or smoked.

(h) If it be alimentary paste and contains any artificial color derived from coal tar or vegetable substances.

(i) If it contains any saccharine or other nonnutritive sweetening agent contrary to the provisions of this chapter.

(j) If it be pork sausage or breakfast sausage and the total fat content (determined by the ether extract method of analysis) is in excess of 50 percent.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1941, Ch. 1042, by Stats. 1943, Ch. 838, by Stats. 1949, Ch. 1346, by Stats. 1951, Ch. 987, by Stats. 1953, Ch. 839, by Stats. 1955, Ch. 694, by Stats. 1957, Ch. 205 and Ch. 390, by Stats. 1959, Ch. 1574, by Stats. 1961, Ch. 308, and by Stats. 1963, Ch. 278.)

26473. Whenever the board finds after investigation that the distribution in the State of California of any class of food may, by reason of contamination with micro-organisms during manufacture, processing or packing thereof in any locality, be injurious to health, and that such injurious nature can not be adequately determined after such articles have entered commerce, the board then, and in such case only, shall promulgate regulations providing for the issuance, to manufacturers, processors or packers of such class of food in such locality, of permits to which shall be attached such conditions governing the manufacture, processing or packing of such class of food, for such temporary period of time, as may be necessary to protect the public health.

(Added by Stats. 1939, Ch. 731.)

26474. After the effective date of such regulations, and during such temporary period, no person shall introduce or deliver for introduction into commerce any such food manufactured, processed, or packed by any such manufacturer, processor, or packer unless such manufacturer, processor or packer holds a permit issued by the board as provided by such regulations.

(Added by Stats. 1939, Ch. 731.)

26475. The board is authorized to suspend immediately upon notice any permit issued under authority of Section 26473 if it is found that any of the conditions of the permit have been violated. The holder of a permit so suspended shall be privileged at any time to apply for the reinstatement of such permit, and the board shall, immediately after prompt hearing and an inspection of the establishment, reinstate such permit if it is found that adequate measures have been taken to comply with and maintain the conditions of the permit, as originally issued, or as amended.

(Added by Stats. 1939, Ch. 731.)

26476. Any officer or employee duly designated by the board shall have access to any factory or establishment, the operator of which holds a permit from the board for the purpose of ascertaining whether or not the conditions of the permit are being complied with, and denial of access for such inspection shall be ground for suspension of the permit.

(Added by Stats. 1939, Ch. 731.)

Article 3. Misbranding

(Article 3 added by Stats. 1941, Ch. 731)

26490. A food shall be deemed to be misbranded:

- (1) If its labeling is false or misleading in any particular;
- (2) If it is offered for sale under the name of another food;
- (3) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;
- (4) If its container is so made, formed or filled as to be misleading.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26491. A food shall be deemed to be misbranded if in package form, unless it bears a label containing (1) the name and place of business of the manufacture, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure or numerical count.

Under clause (2) of this section reasonable variation shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the board.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26492. A food shall be deemed misbranded if any word, statement or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or emblems, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26493. A food shall be deemed to be misbranded if it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by Sections 26540 and 26541 unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional ingredients present in such food. Spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838, and by Stats. 1957, Ch. 390.)

26494. A food shall be deemed to be misbranded if it purports to be or is represented as:

- (1) A food for which a standard of quality has been prescribed by regulations as provided by Sections 26540 and 26541 and its quality falls below such standard unless its label bears,

in such manner and form as such regulations specify, a statement that it falls below such standard; or

(2) A food for which a standard or standards of fill of container have been prescribed by regulation as provided by Sections 26540 and 26541 and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26495. A food shall be deemed to be misbranded if it is not subject to the provisions of Section 26493, unless its label bears (1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient. Spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each.

The requirements of clause (2) of this section shall not apply to any carbonated beverage identified by registered trademark or trade name in which the ingredients have been fully and correctly disclosed to the board in the manner described by clause (2) above in a sworn affidavit; provided, however, that the filing of such affidavit shall not exempt carbonated beverages identified by registered trademark or trade name from any other requirement of this chapter; and particularly the requirements of stating in the label thereon any imitation or artificial flavor or color, or chemical preservative. If no affidavit covering a carbonated beverage identified by trade mark or trade name has been filed with the board all the requirements of clause (2) of this section shall apply to such product, except the following ingredients are exempt from declaration on the label: water, carbon dioxide, caramel, sugar, and citric acid. Beer and wine, as defined in the Alcoholic Beverage Control Act, are exempt from the requirements of clause (2) of this section.

To the extent that compliance with the requirements of clause (2) of this section is impractical or results in deception or unfair competition, exemption shall be established by regulations promulgated by the board.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838, by Stats. 1949, Ch. 1346, and by Stats. 1959, Ch. 664.)

26496. A food shall be deemed to be misbranded:

(1) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the board determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

(2) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact. To the extent that compliance with the

requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the board.

The provisions of this section and Sections 26493 and 26495 with respect to artificial coloring shall not apply in the case of butter, cheese, or ice cream.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

Article 4. Advertising

(Article 4 added by Stats. 1939, Ch. 731)

26500. An advertisement of a food shall be deemed to be false if it is false or misleading in any material particular.

(Added by Stats. 1939, Ch. 731.)

26501. No publisher, radio-broadcast licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the article to which a false advertisement relates, shall be liable under this chapter by reason of the dissemination by him of such false advertisement, unless he has refused, on the request of the board to furnish the board the name and post-office address of the manufacturer, packer, distributor, seller or advertising agency, residing in the State of California who causes him to disseminate such advertisement.

(Added by Stats. 1939, Ch. 731.)

26501.1. With respect to the advertisement of alcoholic beverages, in the event of a conflict between the provisions of this chapter and the Alcoholic Beverage Control Act, the Alcoholic Beverage Control Act shall control.

(Added by Stats. 1939, Ch. 731.)

Article 5. Prohibitions

(Article 5 added by Stats. 1939, Ch. 731)

26510. The manufacture, production, preparation, compounding, packing, selling, offering for sale or keeping for sale, or advertising within the State of California, or the introduction into this State from any other State, Territory, or the District of Columbia or from any foreign country, of any article of food which is adulterated or misbranded is prohibited.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26511. Any person who imports or receives from any other State or Territory or the District of Columbia or from any foreign country, or who having so received delivers for pay or otherwise or offers to deliver to any other person, any article of food which is adulterated or misbranded, or any person who shall manufacture or produce, prepare or compound, or pack or sell, or offer for sale, or keep for sale, or advertise in the State of California any such adulterated or misbranded food, shall be guilty of a misdemeanor punishable as provided in Section 26519.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26512. No article of food shall be deemed adulterated or misbranded within the provisions of this chapter when prepared for export beyond the jurisdiction of the United States and prepared or packed according to specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which the article is intended to be shipped.

If such foods are in fact sold or kept or offered for sale for domestic uses and consumption, then this section shall not exempt the article from the operation of any provisions of this chapter.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26513. The alteration, mutilation, destruction, obliteration or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a food is unlawful if such act results in such article being misbranded.

(Added by Stats. 1939, Ch. 731.)

26514. Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification emblem authorized or required by regulations promulgated under the provisions of this chapter is prohibited.

(Added by Stats. 1939, Ch. 731.)

26515. The adulteration or misbranding of any food is hereby prohibited.

(Added by Stats. 1939, Ch. 731.)

26516. The dissemination of any false advertisement of any food is hereby prohibited.

(Added by Stats. 1939, Ch. 731.)

26516.4. It shall be unlawful for any person to:

(a) Make, publish, disseminate, circulate or place before the public any advertisement relating to the sale of meat where the advertisement contains any assertion, representation or statement which is untrue, deceptive, or misleading or falsely represents the kind, classification, grade, or quality of any meat so advertised;

(b) Use any term of quality without using or having for sale the quality of meat advertised or offered for sale;

(c) Designate any quality of meat as "A" or "AA" or any other term indicating grade;

(d) Use the term "USDA," "U. S.," or any other term denoting that the meat is graded by the United States Department of Agriculture, unless the official grade is also designated;

(e) Designate or use any brand name of a company unless the meat so advertised or displayed for sale is of a quality which the use or designation of the brand name of such company would reasonably indicate; or

(f) Possess or use any meat marking stamp, instrument, label, or tag depicting "USDA," "U. S.," or any other term implying an official meat grade unless the stamp, instrument,

label, or tag has been approved by the United States Department of Agriculture or the California State Department of Agriculture.

(Added by Stats. 1955, Ch. 306; amended by Stats. 1957, Ch. 390.)

26516.5. It shall be unlawful to advertise or display for sale:

(a) Any meat of the ovine species that is two years old or over, as "yearling" or "lamb." Such meat must be clearly designated as "mutton."

(b) Any meat using the words "Prime," "Choice," or "Good" unless such meat advertised for sale actually bears the USDA Federal meat grading stamp designating such grade;

(c) Any ham unless the advertisement or display states whether the ham is skinned or regular;

(d) Any ham portion as "one-half" or "half ham" that has had a center slice removed;

(e) Any pork shoulder using the word "ham"; or

(f) Any meat or meat product which has been branded or marked as imitation by a manufacturer or processor unless the advertisement or display clearly states that such meat or meat product is an imitation.

(Added by Stats. 1955, Ch. 306.)

26516.6. It shall be unlawful to substitute in any sale any inferior or cheaper cut of meat without informing the purchaser that such substitution is being made.

(Added by Stats. 1955, Ch. 306.)

26516.7. It shall be unlawful to keep or display at a temperature exceeding 50 degrees Fahrenheit any perishable canned meats, canned meat products, and packaged processed fresh foods which will support the growth of pathogenic micro-organisms. All such packaged foods shall be conspicuously labeled, "Perishable keep refrigerated."

This section shall not apply to any foods in an establishment, vehicle, or place regulated under Chapter 11 (commencing with Section 28520) of this division.

(Added by Stats. 1955, Ch. 306; amended by Stats. 1959, Ch. 1574, and by Stats. 1961, Ch. 1776.)

26516.8. Sections 26516.4, 26516.5, 26516.6, and 26516.7 shall not apply to newspaper publishers, printers, or distributors, or the agents or employees of such newspaper publishers, printers, or distributors, or to persons enumerated in Section 48.5 of the Civil Code.

(Added by Stats. 1955, Ch. 306.)

26517. (a) No person shall sell, offer for sale, or keep for sale distilled spirits in any package which has been refilled or partly refilled.

(b) No person shall refill or sell, or cause to be refilled for sale any distilled spirits package.

(c) No person, who, in response to an inquiry or request for any brand, type, or character of alcoholic beverage, shall sell or

offer for sale a different brand, type or character, without informing the purchaser of such difference.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1945, Ch. 1208.)

26518. The possession, sale, or offering for sale of any adulterated or misbranded article of food by any manufacturer, producer, jobber, packer, or dealer in food, or broker, commission merchant, agent, employee, or servant of any such manufacturer, producer, jobber, packer, or dealer, shall be prima facie evidence of the violation of this chapter.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26518.5. It shall be unlawful to refuse to permit, to attempt to prevent, or to prevent the free access of any agent of the board to any factory, warehouse, or establishment in which food is, or is suspected of being manufactured, processed, packed or held for introduction into commerce, or to any vehicle being used or suspected of being used to transport or hold such food.

(Added by Stats. 1951, Ch. 987; amended by Stats. 1957, Ch. 390.)

26519. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25) or more than five hundred dollars (\$500), or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

If the violation is committed after a conviction of such person under this chapter has become final, such person shall be subject to imprisonment for not more than one year in the county jail, or a fine of not more than one thousand dollars (\$1,000), or both such imprisonment and fine.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1951, Ch. 987.)

26520. No dealer shall be prosecuted under the provisions of this chapter if after receipt of an article he has used reasonable care in the use and handling thereof and he can produce a guarantee signed by the wholesaler, jobber, manufacturer, or other party located or residing in the United States from whom he purchased such article, to the effect that the same is not adulterated or misbranded within the meaning of this chapter; provided, however, that as to food contained in an original unbroken package, no retailer, who after the receipt of such package has used reasonable care in the use and handling thereof, shall be prosecuted under this chapter for a violation of any provision thereof in connection with any article received by such retailer in the regular channels of trade and as usual first-class merchantable stock and not as seconds, or damaged articles or merchandise or job lots purchased under such con-

ditions as to put the purchaser on notice that such merchandise was not regular first-class merchandise.

(Added by Stats. 1939, Ch. 731; amended by Stats, 1941, Ch. 1042, and by Stats. 1943, Ch. 838.)

26521. Such guaranty may be either general or special and must be produced prior to the time of certification of facts to the district attorney for prosecution.

(Added by Stats. 1939, Ch. 731.)

26522. A general guaranty shall guarantee without condition or restriction all of the products or articles produced, prepared, compounded, packed, distributed, or sold by the guarantor as not adulterated or misbranded within the meaning of this chapter.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26523. A special guaranty shall guarantee in the same manner as a general guaranty the particular articles listed in an invoice of the articles, and shall be attached to or shall fully identify such invoice.

(Added by Stats. 1939, Ch. 731.)

26524. To afford protection all guaranties must contain the name and address of the party or parties making the sales of such articles to the person.

(Added by Stats. 1939, Ch. 731.)

26525. A guaranty shall protect a person only where the article covered by such guaranty remains identical, both as to composition and labeling, with the article as composed and labeled when received by the person from the guarantor.

(Added by Stats. 1939, Ch. 731.)

26526. If the guaranty is to the effect that such article is not adulterated or misbranded within the meaning of the Federal act it shall be sufficient for all the purposes of this chapter and have the same force and effect as though it referred to this chapter whether given by a person residing in the United States or elsewhere.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26527. In case the wholesaler, jobber, manufacturer or other party making such guaranty to the person resides without this State and it appears from the certificate of the Chief of the Division of Laboratories that such article or articles were adulterated or misbranded, within the meaning of this chapter or the Federal act, the district attorney must forthwith notify the Attorney General of the United States of such violation.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

Article 6. Administration

(Article 6 added by Stats. 1939, Ch. 731)

26540. Whenever in the judgment of the board such action will promote honesty and fair dealing in the interest of consumers, the board may promulgate regulations establishing

for any food or class of food a reasonable definition and standard of identity, or reasonable standard of quality or fill of container.

No standard of identity or fill of container shall be established for beer as defined in the Alcoholic Beverage Control Act. No definition and standard of identity, and no standard of quality shall be established for fresh or dried fruits, fresh or dried vegetables, or butter, except that definitions and standards of identity may be established for avocados, cantaloupes, citrus fruits, and melons. In prescribing any standard of fill of container, the board shall give due consideration to the natural shrinkage in storage and in transit of fresh natural food and to need for the necessary packing and protective material. In the prescribing of any standard of quality for any canned fruit or canned vegetable, consideration shall be given and due allowance made for the differing characteristics of the several varieties of such fruit or vegetable. Any definition and standard of identity prescribed by the board for avocados, cantaloupes, citrus fruits, or melons shall relate only to maturity and to the effects of freezing.

(Added by Stats. 1939, Ch. 731.)

26540.1. The board shall not prescribe requirements respecting the size or type of containers for beer as defined in the Alcoholic Beverage Control Act.

(Added by Stats. 1939, Ch. 731.)

26540.2. The State Board of Public Health is hereby empowered under this section to promulgate regulations establishing standards of purity for wine; provided, that the board shall not prescribe requirements respecting the size or type of containers for wine.

(Added by Stats. 1941, Ch. 1042.)

26541. In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the board shall, for the purpose of promoting honesty and fair dealing in the interest of consumers, designate the optional ingredients which shall be named on the label. All definitions and standards promulgated pursuant to this chapter shall not in any instance require a higher standard than the standards required pursuant to the definitions currently promulgated by the United States Department of Health, Education, and Welfare, Food and Drug Administration or by the United States Department of Agriculture, Agricultural Research Service. Such definitions and standards of identity promulgated by the board for distilled spirits shall not be inconsistent with similar standards promulgated by the United States Internal Revenue Service, Alcohol and Tobacco Tax Division, or other federal agency; provided, however, that the provisions of this section shall not apply to wine.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1941, Ch. 1042 and Ch. 1147, by Stats. 1943, Ch. 838, by Stats. 1949, Ch. 1346, and by Stats. 1957, Ch. 205.)

26542. The authority to promulgate regulations for the efficient enforcement of this chapter is vested in the board. The board shall promulgate regulations exempting from any labeling requirement of this chapter food which is in accordance with the normal practice of the trade introduced or offered for introduction into trade and which is being delivered to an establishment where it is to be processed, labeled or packed on condition that such food shall conform with the provisions of this act upon its removal from such processing, labeling or packing establishment. The regulations promulgated and the definitions and standards prescribed pursuant to this chapter shall not require higher standards and shall not be more restrictive than the definitions, standards and regulations which are in force, or promulgated by the United States Department of Health, Education, and Welfare, Food and Drug Administration, under the provisions of the federal act or by the United States Department of Agriculture, Agricultural Research Service, in the event that any such definitions, standards, or regulations are in force thereunder. The violation of a regulation promulgated under this chapter shall be deemed to be a violation of this chapter.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1941, Ch. 1147, by Stats. 1949, Ch. 1346, and by Stats. 1957, Ch. 205 and Ch. 390.)

26542.1. The board may promulgate rules and regulations prescribing the conditions under which food additives may be safely used. All rules and regulations promulgated pursuant to this chapter shall not in any instance require a higher standard than the standards required by the Federal Food, Drug and Cosmetic Act (52 Stat. 1040) and the rules and regulations currently promulgated by the United States Department of Health, Education and Welfare, Food and Drug Administration, and subtitle E, Chapter 51, United States Internal Revenue Code of 1954 and the United States Internal Revenue Service, Alcohol and Tobacco Tax Division, as amended.

When a food additive is permitted and its intended use is in conformity with regulations established by the board, it shall not be considered adulterated within the meaning of subdivisions (1), (2), or (8) of Section 26470.

(Added by Stats. 1959, Ch. 1349. In effect July 1, 1959.)

26542.2. The label on any meat or any meat product which is sold in this State shall conform to the requirements which are prescribed by the laws of this State, and the rules and regulations which are adopted pursuant to the laws of this State, relating to the labeling of meat or meat products.

(Added by Stats. 1963, Ch. 1671.)

26543. Hearings authorized or required by this chapter shall be conducted by the board or such officer, agent, or employee as the board may designate for the purpose.

(Added by Stats. 1939, Ch. 731.)

26544. Before promulgating any regulation, the board shall give appropriate notice of the proposal and of the time and place for hearing. The regulation so promulgated shall become effective on a date fixed by the board. The effective date shall not be prior to 90 days after the promulgation of the regulation. Such regulation may be amended or repealed in the same manner as is provided for its adoption.

In the case of a regulation amending or repealing any regulation the board, to such an extent as it deems necessary in order to prevent undue hardship, may disregard the foregoing provisions regarding notice, hearing, or effective date.

(Added by Stats. 1939, Ch. 731.)

26545. The board shall require examinations to be made of samples secured under the provisions of this chapter to determine whether or not any provision of this chapter is being violated.

(Added by Stats. 1939, Ch. 731.)

26546. The board may appoint such agents as it may deem necessary.

(Added by Stats. 1939, Ch. 731.)

26547. The sheriffs of the respective counties of the State are hereby appointed agents for the enforcement of this chapter.

(Added by Stats. 1939, Ch. 731.)

26548. Any agent shall have free access, at all reasonable hours, for the purpose of examining any place where it is suspected that any article of adulterated or misbranded food exists.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26549. If a sale is refused upon a tender of the market price of the articles, the agent may take from any person samples of any articles suspected of being adulterated or misbranded, and shall deliver or forward such samples to the State laboratory for examination and analysis.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26550. Any person who refuses to sell to any agent of the board any sample of food upon tender of the market price therefor, or who conceals any food from such officer, or who withholds from the officer information respecting the place where such food is kept or stored is guilty of a misdemeanor punishable as provided in Section 26519.

(Added by Stats. 1939, Ch. 731.)

26551. The Chief of the Bureau of Food and Drug Inspections and the agents and inspectors of the State Board of Public Health shall have the powers possessed by peace officers in this State.

(Added by Stats. 1939, Ch. 731.)

26552. Whenever the board makes a written demand upon any distiller, rectifier or blender of liquors of any nature whatsoever within this State to produce a certified copy of those records kept by the distiller, rectifier or blender, which are commonly designated or known as "dump sheets" within

the meaning of the Federal Internal Revenue Act, the records shall be delivered to the board within a reasonable time not exceeding 30 days. The refusal to present such certified copies or the falsification thereof, shall constitute a misdemeanor punishable as provided in Section 26519. Whenever there has been a demand for and refusal to deliver the records, upon petition any court or judge thereof having jurisdiction shall order the delivery of the records.

(Added by Stats. 1939, Ch. 731.)

26553. The board or its duly authorized agent shall have free access at all reasonable hours to any factory, warehouse or establishment in which foods are manufactured, processed, packed or held for introduction into commerce, or to enter any vehicle being used to transport or hold such foods, in commerce, for the purpose:

(1) Of inspecting such factory, warehouse, establishment or vehicle to determine if any of the provisions of this chapter are being violated; and

(2) To secure samples or specimens of any food after paying or offering to pay for such sample.

(Added by Stats. 1939, Ch. 731.)

26554. Whenever it has satisfactory evidence of the violation of any of the provisions of this chapter respecting the adulteration or misbranding of foods and after the hearing provided in Section 26564, the board shall report such facts to the district attorney of the county, or the prosecuting officer of the city, where the law is violated.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1957, Ch. 390.)

26555. Nothing in this chapter shall be construed as requiring the board to report for the institution of proceedings under this chapter, minor violations of this chapter, whenever the board believes that the public interest will be adequately served in the circumstances by a suitable written notice of warning.

(Added by Stats. 1939, Ch. 731.)

26556. The board may cause to be published from time to time reports summarizing all judgments, decrees and court orders which have been rendered under this chapter, including the nature of the charge and the disposition thereof.

(Added by Stats. 1939, Ch. 731.)

26557. The board may cause to be disseminated such information regarding food as the board deems necessary in the interest of public health and the protection of the consumer against fraud. Nothing in this section shall be construed to prohibit the board from collecting, reporting and illustrating the results of the investigations of the board.

(Added by Stats. 1939, Ch. 731.)

26558. There is a State laboratory for the analysis and examination of foods, drugs, devices and cosmetics. The laboratory shall be under the supervision of the board and shall be located at such place as the board may select.

(Added by Stats. 1939, Ch. 731.)

26559. The board shall appoint a Chief of the Bureau of Food and Drug Inspections who shall have such qualifications and perform such duties as may be required by the board.

The board may employ and fix the compensation of other clerical and professional assistants.

(Added by Stats. 1939, Ch. 731.)

26560. The director shall require the Chief of the Division of Laboratories, or the Chief of the Bureau of Food and Drug Inspection to make examinations and analyses of foods which are on sale in California and which are suspected of being adulterated or misbranded.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838, by Stats. 1945, Ch. 1208, and by Stats. 1955, Ch. 1080.)

26561. Whenever evidence indicates or examination or analysis shows that adulterated or misbranded food has been on sale in this State, the Chief of the Division of Laboratories of the State department shall forthwith report to the director and shall promptly transmit a certificate of the facts so found.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838, and by Stats. 1945, Ch. 1208.)

26562. Whenever evidence indicates that adulterated or misbranded food has been on sale in this State, the Chief of the Bureau of Food and Drug Inspections shall forthwith report to the director and shall promptly transmit a certificate of the facts so found.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838, and by Stats. 1945, Ch. 1208.)

26563. Every certificate certified to by the Chief of the Division of Laboratories or by the Chief of the Bureau of Food and Drug Inspections shall be prima facie evidence of the facts therein stated.

(Added by Stats. 1939, Ch. 731.)

26564. When the certificate certified to by the Chief of the Division of Laboratories of the State department or when the certificate certified to by the Chief of the Bureau of Food and Drug Inspections shows that any provisions of this chapter have been violated, notice of that fact, together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained, or who executed the guaranty, as provided in this chapter. A time at which the parties may be heard shall be set.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1945, Ch. 1208.)

26565. The hearings shall be held at such place as the board or the person conducting the hearing may designate. The hearings shall be private and confined to the consideration of fact. Parties interested may appear in person or by attorney and may propound interrogatories and submit oral or written evidence to show any fault or error in the findings

made by the State Laboratory or by the Chief of the Bureau of Food and Drug Inspections.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1955, Ch. 1080.)

26566. If the examination or analysis is found to be correct, or if the party fails to appear at such hearing after notice duly given, a certificate of the facts so found shall forthwith be transmitted to the district attorney of the county, or the prosecuting officer of the city, in which the adulterated or misbranded food was found.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838, by Stats. 1945, Ch. 1208, and by Stats. 1957, Ch. 390.)

26567. On or before August 1st of each year, the Chief of the Division of Laboratories of the State Department shall make an annual report to the board upon adulterated or misbranded foods. The report shall include the list of cases examined by him in which adulterants were found, the list of articles found to be misbranded, and the names of the manufacturers, producers, jobbers, and sellers. The Chief of the Bureau of Food and Drug Inspections shall report at the same time on all activities of that bureau.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26568. The board may include the reports, or any parts thereof, in the report which the board makes to the Governor.

(Added by Stats. 1939, Ch. 731.)

26580. Whenever a duly authorized agent of the board finds, or has probable cause to believe, that any food is adulterated, or so misbranded as to be dangerous or fraudulent, he shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, adulterated, or misbranded and has been detained or quarantined, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by the Chief of the Bureau of Food and Drug Inspection or the court.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1955, Ch. 1080.)

26580.5. The unauthorized removal or disposal of any article of quarantined food by sale or otherwise shall constitute a violation of this chapter.

(Added by Stats. 1955, Ch. 1080.)

26581. Whenever the findings of the State laboratory or of the Chief of the Bureau of Food and Drug Inspections show after investigation and examination, that any food found in the possession of any person is adulterated or misbranded, the food may be seized and quarantined.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26582. The food shall not thereafter be sold, offered for sale, removed or otherwise disposed of until further notice in writing

from the board, the director, or the Chief of the Bureau of Food and Drug Inspections.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1945, Ch. 1208.)

26583. The Chief of the Bureau of Food and Drug Inspections shall report immediately to the director all actions relating to the seizure of food and its release.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1945, Ch. 1208.)

26584. Food found to be adulterated or misbranded may, by order of a court or judge, or in the absence of such order, with the written consent of the owner thereof, be seized or destroyed.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26585. Any superior or inferior court of this State shall have power to condemn food under the provisions of this article.

(Added by Stats. 1939, Ch. 731.)

26586. When an article is found to be adulterated or misbranded, and is detained or quarantined under this article, the board shall commence proceedings in the name of the people of the State of California against such article within 90 days after the article is detained or quarantined, in the superior court of the county or city and county in which the article is detained or quarantined by petitioning said court for a judgment to forfeit, condemn and destroy such article. Upon the filing of such petition, the clerk of said court shall fix a time and place for the hearing thereof, and cause notices thereof to be prepared notifying all persons who may claim an interest in said article of the time and place of said hearing. A copy of the petition and notice shall be posted for 14 days in at least three public places in the town, city or city and county where the court is held, and in a conspicuous place where such article is detained or quarantined. A copy of the petition and notice shall also be served upon each person in possession of said article and on each owner or claimant whose name and address is known. Said service may be made by personal service or by registered mail by mailing a copy of such notice and petition by registered mail to the last known address of such person. At any time prior to the date of the hearing any person in possession of said article, or owner thereof or claimant thereto, may file an answer which may include a prayer for a judgment of release of such article or relief in accordance with Sections 26588 and 26589. At the time set for the hearing the court shall commence to hear and determine said proceeding, but may for good cause shown, continue the hearing to a day certain; provided, the court shall finally determine all the issues presented by the petition and answer within 60 days after the date when the matter was first set for hearing.

If the board fails to commence proceedings against an article which is detained or quarantined within 90 days after said

article is detained or quarantined, as above provided, the board shall immediately release said article from detention or quarantine and remove therefrom any warning tags affixed thereto by the board or its agents. If the board or its agent has taken possession of or assumed control of said article, the board shall immediately return said article to the possession of the person from whom it was taken.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838, by Stats. 1947, Ch. 581 and by Stats. 1949, Ch. 1346.)

26586.5. If, within 30 days after detention or quarantine of any article under this article, the board has not commenced a proceeding under Section 26586, then the person in possession of such article, or the owner thereof or any claimant thereto, may commence a proceeding in the superior court of the county or city and county in which the article is detained or quarantined, by petitioning said court for a judgment to release said article or for relief under Sections 26588 and 26589. Upon the filing of such petition, the clerk of the court shall fix a time and place for the hearing thereof, and cause notices thereof to be prepared notifying all persons who may claim an interest in the article of the time and place of the hearing. A copy of the petition and notice shall be posted for 14 days in at least three public places in the town, city or city and county where the court is held, and in a conspicuous place where such article is detained or quarantined. A copy of the petition and notice shall also be served upon the board by serving it upon the executive officer of said board. Service may be made by personal service or by registered mail addressed to the board at the office of the executive officer, Berkeley, California.

At the time set for the hearing the court shall commence to hear the proceeding but may, for good cause shown, continue the hearing to a day certain; provided, the court shall finally determine all the issues presented in the proceeding within 60 days after the date when the matter was first set for hearing.

(Added by Stats. 1947, Ch. 581; amended by Stats. 1957, Ch. 205.)

26587. If the court finds that a detained or quarantined article is adulterated or misbranded, after entry of the decree such article shall be destroyed at the expense of the claimant thereof, under the supervision of the agent. All court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26588. If the adulteration or misbranding can be corrected by proper labeling or processing of the article, after entry of the decree and after costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled or processed, has been executed, the court may by order direct that such article be delivered to the claim-

ant thereof for such labeling or processing under the supervision of an agent of the board. The expense of such supervision shall be paid by the claimant.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26589. The bond shall be returned to the claimant of the article on representation to the court by the board that the article is no longer in violation of this chapter, and that the expenses of such supervision have been paid.

(Added by Stats. 1939, Ch. 731.)

26589.5. If at any time after detention or quarantine, a duly authorized agent of the board finds that an article detained or quarantined is not adulterated or misbranded, such agent shall remove the tag or other marking.

(Added by Stats. 1947, Ch. 581.)

26590. Whenever the board or any of its authorized agents shall find in any room, building, vehicle of transportation or other structure, any meat, seafood, poultry, vegetable, fruit or other perishable articles which are unsound, or contain any filthy, decomposed or putrid substance, or which may be poisonous or deleterious to health or otherwise unsafe, the same being hereby declared to be a nuisance, the board or its authorized agent shall forthwith condemn or destroy the same or in any other manner render the same unsalable as human food.

(Added by Stats. 1939, Ch. 731.)

26600. On presentation to him of a verified complaint of the violation of any provisions of this chapter, the sheriff of any county of this State shall at once obtain by purchase a sample of the adulterated or misbranded food complained of, and divide the article into three parts. Each part shall be sealed by the sheriff with a seal provided for that purpose. If the package be less than four pounds in weight or in volume less than two quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each package noted as above.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26601. One sample shall be delivered to the party from whom procured or to the party guaranteeing such merchandise, one sample shall be sent to the Chief of the Division of Laboratories, and the third sample shall be sent to, and held under seal by, the board.

(Added by Stats. 1939, Ch. 731.)

26602. For his services under this chapter the sheriff shall be allowed the same fees for travel allowed by law to sheriffs on service of criminal process, together with such compensation as the board of supervisors of the county may deem reasonable, and all amounts expended by him in procuring and transmitting samples.

(Added by Stats. 1939, Ch. 731.)

26603. The fees and amount expended shall be audited and allowed by the supervisors and paid by the county as other bills of the sheriff.

(Added by Stats. 1939, Ch. 731.)

26604. The district attorney of each county shall prosecute all violations of the provisions of this chapter occurring within the county.

(Added by Stats. 1939, Ch. 731.)

26605. One-half of all fines collected by any court or judge for the violations of the provisions of this chapter shall be paid into the State Treasury to the credit of the General Fund.

(Added by Stats. 1939, Ch. 731.)

Article 7. Local Administration

(Article 7 added by Stats. 1939, Ch. 731)

26615. The board may organize and establish local food inspection and enforcement divisions with headquarters at such points and with jurisdiction over such territory as the board shall by order specify.

(Added by Stats. 1939, Ch. 731.)

26616. For the purposes of this chapter, the term "local food inspection and enforcement division" shall be construed to mean the local health department, headed by the duly appointed, qualified and acting health officer of any county, city or city and county, designated by order of the board to act as such division within the territory specified in such order. Such territory may include one or more counties, cities, or cities and counties.

(Added by Stats. 1939, Ch. 731.)

26617. A local food inspection and enforcement division shall make, or cause to be made, examinations and analyses of food which is suspected of being adulterated or misbranded and which is on sale within the territory where such local division has jurisdiction.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838 and by Stats. 1951, Ch. 987.)

26618. Within the territory over which a local division has jurisdiction, the health officer of any local food inspection and enforcement division and his deputies, shall have the same powers as are possessed by peace officers of this State.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1951, Ch. 987.)

26619. When an examination or analysis made pursuant to the provisions of Section 26617 shows that any provision of this chapter has been violated, notice of the fact, together with a copy of the findings thereof, shall be furnished to the party or parties from whom the sample was obtained, or who issued the guaranty, as provided in this chapter.

(Added by Stats. 1939, Ch. 731.)

26620. The health officer of the local food inspection and enforcement division shall set a time for a hearing, at which the parties may be heard before him. At least 15 days' notice of such

hearing shall be served upon the parties interested. The hearing shall be private and confined to questions of fact. Appearances may be made in person or by attorney and testimony may be taken and evidence introduced as to the correctness of the findings made by the person making the examination or performing the analysis.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1951, Ch. 987.)

26621. If such examination or analysis be found correct, or if the party or parties fail to appear after notice duly given, the health officer conducting the hearing shall certify the facts found to the district attorney of the county in which the adulterated or misbranded food was found, sold, or offered or exposed for sale. No publication shall be made until after the hearing is concluded.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26622. (Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838; repealed by Stats. 1951, Ch. 987.)

26623. The provisions of this article shall not be construed as repealing, either directly or by implication, any of the existing sections of this chapter, but shall be construed as constituting an alternative method of enforcing the same.

(Added by Stats. 1939, Ch. 731.)

26624. The board may prescribe such rules and regulations relating to the operation of the local inspection and enforcement divisions as it may deem necessary fully to effectuate the provisions of this article.

(Added by Stats. 1939, Ch. 731.)

CHAPTER 4. HORSE MEAT

(Chapter 4 added by Stats. 1943, Ch. 800)

28000. As used in this chapter:

(a) Horse meat shall mean the uncooked muscle tissue of the horse and/or mule and/or burro which is skeletal, with or without the accompanying and overlying fat, and the portion of sinews, nerves and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing.

(b) By-products of the horse and/or mule and/or burro shall mean the parts other than horse meat which has been derived from said animals, or any of them.

(c) Except where otherwise provided herein "horse meat" shall include horse meat and the by-products of the horse and/or mule and/or burro as said terms are defined in subsections (a) and (b) of this Section 28000.

(Added by Stats. 1943, Ch. 800; repealed and added by Stats. 1949, Ch. 738; amended by Stats. 1951, Ch. 1090.)

NOTE: Stats. 1949, Ch. 738 also contained the following provision:

SEC. 17. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder

of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment has been rendered.

28000½. It is unlawful for any person, firm, corporation or association, or any employee thereof, to sell, offer for sale or have in possession for sale as horse meat, any such meat as defined in Section 28000(a) of this chapter, mixed in any manner whatsoever with by-products as said term is defined in Section 28000(b) of this chapter.

(Added by Stats. 1951, Ch. 1090.)

28001. Inspected horse meat shall mean horse meat produced in a slaughtering establishment under federal, state or state-approved municipal inspection.

(Added by Stats. 1943, Ch. 800; repealed and added by Stats. 1949, Ch. 738. See note to Section 28000.)

28002. Uninspected horse meat shall mean horse meat which is not produced under the inspection of a federal, state or state-approved, municipal inspection service. However, any premises or building in which horses are slaughtered or in which horse meat is stored, packed, prepared, offered for sale or sold shall meet all the food sanitation requirements of state, county, city and/or city and county health departments of the area where sold or produced.

(Added by Stats. 1943, Ch. 800; repealed and added by Stats. 1949, Ch. 738. See note to Section 28000.)

28003. Horses shall not be slaughtered nor shall horse meat be stored, packed, offered for sale or sold in any establishment or part thereof, or in connection with any business in which other uncooked meat, or meat food products prepared from the flesh of cattle, calves, sheep, lambs, swine or goats is slaughtered, stored, packed, cooked, offered for sale or sold. Exception to this shall be made where the horse meat is stored in direct connection with canning plants, for use in cooking in hermetically sealed containers under state or federal inspection. The public cold storage of horse meat in licensed warehouses is permissible; provided, the horse meat is in original sealed containers, recorded as such in the warehouse records and the storage pile is readily distinguishable as consisting of horse meat; and provided further, that it shall not be stored, commingled with or maintained directly in contact with fresh or other meat used for human consumption.

(Added by Stats. 1943, Ch. 800; repealed and added by Stats. 1949, Ch. 738; amended by Stats. 1955, Ch. 695.)

28004. Only inspected horse meat shall be sold or offered for sale for human consumption.

When horse meat is offered for sale for human consumption there shall be displayed prominently in connection therewith and immediately adjacent thereto a sign with letters not less than eight (8) inches in height and not less than three (3)

inches in width, bearing the words "horse meat for human consumption."

(Added by Stats. 1947, Ch. 1560; repealed and added by Stats. 1949, Ch. 738; amended by Stats. 1951, Ch. 1090.)

28005. Every restaurant, cafe, or other public eating place offering or serving horse meat for human consumption must have stamped on all menus, in green ink letters not less than one-half inch in height and one-quarter inch in width the words "Horse meat served here"; likewise a placard must be prominently displayed bearing the words "Horse meat served here" in letters not less than four inches in height and one-half inch in width.

(Added by Stats. 1949, Ch. 738. See note to Section 28000.)

28006. Uninspected horse meat shall not be packed, stored or kept with or in close proximity with any food product which is or shall be offered for human consumption irrespective of its type or nature.

(Added by Stats. 1949, Ch. 738. See note to Section 28000.)

28007. Uninspected horse meat shall be kept and stored in a separate unit provided for that purpose. A sign which reads "horse meat not inspected, for animal consumption only" with letters two inches high and approximately one inch wide shall be conspicuously displayed so that it can readily be seen by those in the room where such horse meat is sold.

(a) All uninspected horse meat shall bear a tag or label with the words "horse meat not inspected, for animal consumption only," printed thereon in red letters not less than one-half inch in height. All inspected horse meat shall bear a tag or label with the words "inspected horse meat," "U. S. Government inspected horse meat," "State inspected horse meat," or "municipally inspected horse meat," depending upon the type of inspection made of the product with letters printed thereon not less than one-half inch in height; provided, that the letters may be less than one-half inch in height where the horse meat is processed, packaged, and sealed at the point of inspection and bears the label required by the inspection agency.

(b) All uninspected horse meat when kept for sale, offered for sale, or sold shall be denatured or decharacterized so as to be readily distinguishable from an article of human food by the addition thereto of not less than one-twentieth of 1 percent of charcoal or in any other manner satisfactory to the State Department of Public Health.

(c) All canned dog and/or pet food manufactured from horse meat and/or horse meat by-products, and/or meat, and/or meat food products, and packed in hermetically sealed containers may be labeled "Stew" in letters of no more than one-half inch in height. Phrases or statements inferring or implying that the product could be used for human consumption are prohibited. Each container in which dog and/or pet food manufactured from horse meat and/or horse meat by-products and/or meat and/or meat food products is packed

shall have affixed thereto a label bearing the following information in addition to all other information required by law to appear thereon:

(1) The name of the food such as "dog food," "cat food," "dog and cat food," "fox food," "pet food," or "animal food" on the main panel in letters which are clearly legible.

(2) The word "ingredients" followed by a complete list of the ingredients of the food in the order of their predominance and by their common or usual names in letters not more than one-quarter inch in height, and clearly legible.

(d) Each container in which the ingredients of animal origin such as horse meat, horse meat by-products, meat, meat by-products, and/or whale, or any combination thereof are 50 percent or more shall have on the label the following information in addition to all other information required by law to appear thereon:

The name of the food, such as "dog food," "cat food," "dog and cat food," "fox food," "pet food," or "animal food," on the main panel in letters not less than one-half inch in height for a number 300 can (300 x 407).

There shall appear on the main panel of the label the name of no more than three ingredients of animal origin in the order of their predominance and in letter size in proportion to the amount of such ingredients contained in the food. The maximum letter size permissible for such ingredients shall be one-half inch in height and the minimum letter size permissible for ingredients of animal origin shall be one-quarter inch in height. The background color of the label and the letter style shall not be changed in listing ingredients of animal origin. The word "and" or "with" shall appear on the main panel of the label directly beneath the name of the ingredients of animal origin and the remaining ingredients shall appear directly beneath the word "and" or "with" in the order of their predominance and in clearly legible letter size. The term "water for processing" may appear as the last ingredient. If the remaining 50 percent or less of the ingredients consist of a free flowing liquid the term "liquid," "juice," "sauce," "gravy," or any other term which correctly identifies such liquid shall appear in one-fourth inch letters on the main panel of the label. However, the list of ingredients other than those of animal origin, when such term is used, need not appear on the main panel of the label but must appear elsewhere on the label.

(e) For products packed in accordance with subdivision (d) and in containers other than a number 300 can (300 x 407) the letter size referred to shall be the same relative proportion as heretofore required to the height of the container used.

(f) Labeling for all products referred to in this section shall be approved by the State Department of Public Health prior to use.

(Added by Stats. 1949, Ch. 738; amended by Stats. 1951, Ch. 1090, by Stats. 1955, Ch. 695, and by Stats. 1957, Ch. 2155.)

28008. Where signs are displayed on the outside of the premises of any wholesale or retail establishment offering for sale uninspected horse meat, wherever the words "horse meat," "pet food" and/or "pet meat" or any other words intended to describe or signify horse meat or pet food containing meat products, appear, there shall also be added a sign in equal size "horse meat not inspected." On any vehicle delivering uninspected horse meat, whether retail or wholesale, the words "not inspected" shall be included on any sign containing the words "horse meat," "pet meat," "pet food" or any other words intended to describe or signify horse meat, and shall appear in equal prominence with such words.

The policy of the Legislature is that all uninspected horse meat taken into the homes of the State, intended for the family pet, but often cooked in kitchen utensils and invariably stored in the home refrigerator, shall bear protective labeling to distinguish it from beef processed under rigid regulations.

(Added by Stats. 1949, Ch. 738. See note to Section 28000.)

28009. Inspected horse meat and uninspected horse meat shall not be stored, kept, packed or sold at or on the same premises.

(Added by Stats. 1949, Ch. 738. See note to Section 28000.)

28010. All uninspected horse meat not produced in the State of California shall be decharacterized before entering the State in the manner outlined in Section 28007 (b) or in keeping with federal laws. All inspected horse meat not produced in the State of California shall be delivered to the warehouse, or distributor in the original shipping containers.

(Added by Stats. 1949, Ch. 738; amended by Stats. 1951, Ch. 1090.)

28011. Nothing contained in this statute shall prevent any county, city and/or city and county health departments from regulating or prohibiting by ordinance the sale of horse meat in their respective communities.

(Added by Stats. 1949, Ch. 738. See note to Section 28000.)

28012. Inspectors and duly authorized agents of the State, county, city and/or city and county health departments shall have free access at all reasonable times to premises where horses are slaughtered, and/or horse meat is processed, prepared, packed, kept, offered for sale or sold, for purposes of inspection.

(Added by Stats. 1949, Ch. 738. See note to Section 28000.)

28013. Every person, firm or corporation before engaging in the slaughtering of horses, mules, and/or the wholesale distribution, jobbing and/or the importing into the State of horse meat for resale shall procure a license from the State Department of Public Health. Such license shall be good for the calendar year for which it is issued, unless sooner revoked or

suspended, and is nontransferable. Each application for such license shall be accompanied by a fee of fifty dollars (\$50). Should any licensee fail, refuse, or neglect to apply for renewal of a license within 30 days after the expiration thereof, a penalty of ten dollars (\$10) shall accrue and be added to the renewal fee and shall be paid by the applicant before the renewal license may be issued. All fees collected under the provisions of this section shall be paid into the General Fund in the State Treasury.

The department may refuse to grant a license or renewal of license and may revoke or suspend any license, as the case may require, after a hearing as herein provided, if it finds that the applicant or licensee has violated any of the provisions of this chapter, or of any of the rules and regulations issued hereunder, or of any of the laws or regulations of the United States pertaining to horse meat, or has failed or refused to comply with any lawful order of the department issued under the provisions of this chapter.

The proceedings for hearings under the provisions of this section shall be in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. The State Board of Public Health is hereby empowered to promulgate rules and regulations for the proper enforcement of this chapter.

Any person, firm or corporation holding a license issued under the provision of this chapter shall keep complete and full records of all horses and/or horse meat received, covering the live and/or dressed weight of same, from whom received and the date of receipt. Also in the case of those slaughtering horses and/or wholesalers of horse meat, a full and complete record of the sales made shall be kept showing the name and address, of each and every customer and the amount and the date sold to each. Retailers shall keep a full and complete record of all horse meat received including the amount, date and name of the person, firm or corporation from whom received. When requested by the State Department of Public Health or an agent thereof, any dealer shall submit a report setting forth in itemized particulars information relating to the receipts and sales of horses and/or horse meat covering a period of time not to exceed the preceding four months.

(Added by Stats. 1949, Ch. 738; amended by Stats. 1957, Ch. 353.)

28014. Any person who, as principal or agent, employer or employee, adulterates any other meat or meat food product with horse meat, or represents horse meat to be any other meat or meat food product, shall be guilty of a felony punishable by a fine of not less than ten thousand dollars (\$10,000) or by imprisonment in the state prison for not less than one year, or by both.

(Added by Stats. 1949, Ch. 738; amended by Stats. 1951, Ch. 1090.)

28015. Any person, whether as principal or agent, employer or employee, who violates any of the provisions in this chapter except as provided in Section 28014 is guilty of a misdemeanor punishable upon conviction by a fine of not more than five hundred dollars (\$500) or by imprisonment in the county jail for not more than six months or by both such fine and imprisonment.

(Added by Stats. 1949, Ch. 738. See note to Section 28000.)

CHAPTER 5. COLD STORAGE

(Chapter 5 added by Stats. 1947, Ch. 763)

Article 1. Definitions and General Provisions

28110. Unless the context otherwise requires, the definitions set forth in this article govern the construction of this chapter.

(Added by Stats. 1947, Ch. 763.)

28111. "Cold storage" means a place artificially refrigerated to a temperature above zero of 45 degrees Fahrenheit or below. It does not include any such place where food which is privately owned and not held for resale is stored inside of lockers or compartments which are not more than 25 cubic feet in capacity, and which lockers or compartments are leased to private individuals for their exclusive use.

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744 and by Stats. 1953, Ch. 293.)

28112. "Cold stored" means the keeping of articles of food in cold storage for a period exceeding ten days.

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744.)

28113. "Article of food" means any article of food used for human consumption. It includes fresh meat and fresh meat products (except in process of manufacture), fresh and dried fruit or vegetables, fish, shellfish, game, poultry, eggs, butter, and cheese, but not malt beverages.

(Added by Stats. 1947, Ch. 763.)

28114. "Storer" means a person who offers articles of food for cold storage.

(Added by Stats. 1947, Ch. 763.)

28115. (Added by Stats. 1947, Ch. 763; repealed by Stats. 1953, Ch. 293.)

28116. This chapter does not apply to any cold storage or refrigerating plant or warehouse which is maintained or operated by a restaurant, hotel, exclusively wholesale or retail establishment, cannery, winery, brewery, or other food processing place which is used for the storage of food and which place is owned by or is for the exclusive use of the occupant owner or maintainer thereof, and said food is not stored for other persons.

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744, and by Stats. 1953, Ch. 293.)

28117. The term "locker plant" as used in this chapter shall mean any building or portion thereof which is artificially cooled to or below a temperature above zero of 45 degrees Fahrenheit and used exclusively for the storage of any article of food for the sole use of the storer, and which article or articles of food are not for resale.

If any article or articles of food stored in locker plants are for resale and/or to be used for manufacturing purposes, said locker plant is subject to the license provisions of this chapter and all sections thereof.

(Added by Stats. 1949, Ch. 744.)

Article 2. Licenses

28120. Any person desiring to operate a cold storage or refrigerating warehouse for storing articles of food shall make application in writing to the board for a license for that purpose, stating the location of his plant or plants. For the purpose of securing the proper enforcement of this chapter, those buildings or structures which are served by a central refrigerating plant shall be considered as one cold storage or refrigerating warehouse or plant, and subject to one license.

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744, and by Stats. 1953, Ch. 293.)

28121. On receipt of the application the board shall examine into the sanitary condition of the plant.

(Added by Stats. 1947, Ch. 763.)

28122. If it finds the plant to be in a sanitary condition and otherwise properly equipped for the business of cold storage, the board, upon the payment of the license fee specified in this chapter, shall issue a license authorizing the applicant to operate a cold storage or refrigerating warehouse for a period of not more than one year.

(Added by Stats. 1947, Ch. 763; amended by Stats. 1957, Ch. 691. In effect January 1, 1958.)

28123. No person, firm, or corporation shall engage in the operation of a cold storage or refrigerating warehouse for storing articles of food without having obtained from the board a license for each such place of business. This license is nontransferable.

(Added by Stats. 1947, Ch. 763; repealed by Stats. 1949, Ch. 744; added by Stats. 1957, Ch. 691. In effect January 1, 1958.)

28124. (Added by Stats. 1947, Ch. 763; repealed by Stats. 1949, Ch. 744.)

28125. (Added by Stats. 1947, Ch. 763; repealed by Stats. 1949, Ch. 744.)

28126. Each application for a license under this chapter shall be accompanied by a fee of fifty dollars (\$50). Each license issued under this chapter shall expire on December 31st of each calendar year. License fees of fifty dollars (\$50) are due on the first of January of each year. The fee for

licenses initially issued after January 1st of each year shall not be prorated.

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744, by Stats. 1957, Ch. 691, and by Stats. 1959, Ch. 430.)

28127. The secretary of the board shall keep a full and correct account of all fees received under this chapter. At least once each month he shall deposit all such fees with the State Treasurer for credit to the State General Fund.

(Added by Stats. 1947, Ch. 763.)

Article 3. Licensee Regulations

28130. If any place or portion of a place for which a license is issued is deemed by the board to be in an unsanitary condition, the board shall give written notification to the licensee of the condition, stating in particular the matters found to be unsanitary.

(Added by Stats. 1947, Ch. 763; amended by Stats. 1953, Ch. 293.)

28131. Upon failure of the licensee to correct the situation within a designated time the board shall prohibit the licensee from using the place or specified portion until such time as it is restored to a sanitary condition.

(Added by Stats. 1947, Ch. 763.)

28132. Every licensee shall keep an accurate record of receipts and withdrawals of articles of food, and the board shall have free access to these records at any time.

(Added by Stats. 1947, Ch. 763.)

28133. When requested by the board or an agent thereof, any licensee shall within a reasonable time submit a report setting forth in itemized particulars the quantity of food products held by him in cold storage.

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744, and by Stats. 1953, Ch. 293.)

28134. (Added by Stats. 1947, Ch. 763; repealed by Stats. 1949, Ch. 744.)

Article 4. General Regulations

28140. No storer shall place in cold storage any article of food whose keeping qualities have been impaired by disease, taint, or deterioration, or which has not been slaughtered, handled, and prepared for storage in accordance with food laws pertaining thereto and such rules and regulations as may be prescribed by the board for the sanitary preparation of food products for cold storage.

(Added by Stats. 1947, Ch. 763; amended by Stats. 1953, Ch. 293.)

28141. Any article of food intended for use other than human consumption shall, before being cold stored, be marked by the owner in accordance with forms prescribed by the board

in such a way as to indicate plainly that the article is not to be sold for human food.

(Added by Stats. 1947, Ch. 763.)

28142. Each separate lot of food, when deposited in cold storage, shall be marked plainly with the lot number covering that particular lot of articles of food indicated and recorded on the records maintained on the premises.

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744, and by Stats. 1953, Ch. 293.)

28143. The board shall inspect and supervise all cold storage or refrigerating warehouses, and make such inspection of the entry of articles of food therein as it deems necessary to secure the proper enforcement of this chapter.

(Added by Stats. 1947, Ch. 763.)

28144. The members of the board and its duly authorized employees shall be permitted access to cold storage or refrigerating warehouses at all reasonable times for purposes of inspection and enforcing the provisions of this chapter.

(Added by Stats. 1947, Ch. 763.)

28145. The board may also appoint at such salary as it may designate, any person it deems qualified to make any inspection required by this chapter.

(Added by Stats. 1947, Ch. 763.)

28146. No person shall keep any article of food in cold storage for more than twelve calendar months, except with the consent of the board. Thirty days prior to the expiration of the 12-month period, the licensee shall send notice to the board advising them of this fact. Duplicate notice shall be sent to the owner of the food.

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744.)

28147. The board shall, upon application, grant permission to extend the period of storage beyond 12 months for a particular consignment of goods, if the goods in question are found, upon examination, to be in proper condition for further storage at the end of 12 months. The length of time for which further storage is allowed shall be specified in the order granting the permission.

(Added by Stats. 1947, Ch. 763.)

28148. (Added by Stats. 1947, Ch. 763; repealed by Stats. 1953, Ch. 293.)

28149. For the purpose of determining whether or not food locker plants come under the provision of this act, the operators or owners of all such frozen food locker plants shall make available, upon request to any agent of the State Department of Public Health, the names and addresses of any and all persons, firms, or corporations renting, leasing or occupying such lockers or compartments.

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744.)

28150. Unless otherwise permitted by this article, it is unlawful to represent or advertise as fresh goods articles of

food which have been placed in cold storage. This section shall not apply to vegetables, fruit or other foods sold as "fresh frozen" and so labeled, when stored at or below zero degrees Fahrenheit, or to eggs held in cold storage for 30 days or less.

(Added by Stats. 1947, Ch. 763; amended by Stats. 1953, Ch. 293, and by Stats. 1957, Ch. 476.)

28151. (Added by Stats. 1947, Ch. 763; repealed by Stats. 1949, Ch. 744.)

28152. It is unlawful to return to cold storage any article of food that has once been released from such storage and placed on the market for sale to consumers. However, nothing in this section prevents the transfer of goods from one cold storage or refrigerating warehouse to another, if the transfer is not made for the purpose of evading any provision of this chapter.

(Added by Stats. 1947, Ch. 763.)

28153. The board may make rules and regulations to secure the proper enforcement of this chapter, including rules and regulations with respect to the sanitary preparation of articles of food for cold storage, the use of marks, tags, or labels, and the display of signs.

(Added by Stats. 1947, Ch. 763.)

Article 5. Violations

28160. Any person violating any of the provisions of this chapter, or any rule or regulation issued pursuant to this chapter, shall upon conviction be punished for the first offense by a fine not exceeding five hundred dollars (\$500) or by imprisonment for not more than 90 days, or by both. The punishment for a second offense is the same, except that the maximum fine is one thousand dollars (\$1,000).

(Added by Stats. 1947, Ch. 763.)

CHAPTER 5.5. FROZEN FOOD

(Chapter 5.5 added by Stats. 1949, Ch. 1197)

Article 1. Definitions

(Article 1 added by Stats. 1949, Ch. 1197)

28165. "Low acid frozen food" means a food which, by virtue of its low acid content, does not preclude the growth of *Clostridium botulinum*.

(Added by Stats. 1949, Ch. 1197.)

Article 2. The Packing of Low-Acid Frozen Food in Hermetically Sealed Containers

(Article 2 added by Stats. 1949, Ch. 1197; heading amended by Stats. 1951, Ch. 206)

28170. Low acid frozen food shall be packaged in a container of distinctive appearance so as to indicate to the purchaser that the package is not ordinary canned goods of a non-perishable nature.

(Added by Stats. 1949, Ch. 1197.)

28172. The container shall bear a suitable legend to warn consumers that the product must be kept frozen until ready for use and that the contents should not be heated before opening.

(Added by Stats. 1949, Ch. 1197.)

28173. Low acid foods which are to be frozen and packaged in hermetically sealed metal containers, shall not be cooked in the container before freezing.

(Added by Stats. 1949, Ch. 1197.)

Article 3. General Regulations

(Article 3 added by Stats. 1951, Ch. 206)

28180. The State Department of Public Health shall enforce this chapter.

(Added by Stats. 1951, Ch. 206.)

28182. The board may make rules and regulations to secure the proper enforcement of this chapter, including rules and regulations with respect to the sanitary preparation of articles of food for freezing, the use of containers, marks, tags, or labels, and the display of signs.

(Added by Stats. 1951, Ch. 206.)

Article 4. Violations

(Article 4 added by Stats. 1951, Ch. 206)

28186. Any person, firm, corporation, or agent violating any of the provisions of this chapter, or any rule or regulation issued pursuant to this chapter, shall upon conviction be punished for the first offense by a fine not less than twenty-five dollars (\$25), or more than five hundred dollars (\$500), or by imprisonment in the county jail for not more than six months, or by both. The punishment for a second offense is the same, except that the maximum fine is one thousand dollars (\$1,000).

(Added by Stats. 1951, Ch. 206.)

CHAPTER 6. CALIFORNIA BAKERY SANITATION LAW

(Chapter 6 added by Stats. 1947, Ch. 766, repealed and added by Stats. 1963, Ch. 610)

Article 1. (Heading repealed by Stats. 1963, Ch. 610)

28190. "Bakery" means any room, building, premises, or place which is used or operated for commercial baking, preparing, manufacturing, processing, or packaging of bakery products. It includes all rooms of a bakery in which bakery products or ingredients are stored or handled. It does not, however, include any restaurant or any other food establishment as defined in Chapter 11 (commencing with Section 28520) of this division.

(Added by Stats. 1947, Ch. 766; repealed and added by Stats. 1963, Ch. 610.)

28191. "Bakery products" means food products, consisting of breads, pies, pastries, cakes, cookies, doughnuts, crackers

or other similar products which are baked, cooked, processed, or which are processed to be cooked or baked off the premises.

(Added by Stats. 1963, Ch. 610.)

28192. "Health officer" means any city, county, district, city and county, or state health officer.

(Added by Stats. 1963, Ch. 610.)

28193. The floors of all rooms of a bakery shall be of such construction and material as to be easily cleaned. They shall be smooth, and shall be kept clean and in good repair.

(Added by Stats. 1963, Ch. 610.)

28194. The surface of walls and ceilings of all rooms of a bakery where unwrapped bakery products are handled or stored shall be of such construction as to be easily cleanable and shall be light colored, and kept clean and in good repair.

(Added by Stats. 1963, Ch. 610.)

Article 2. (Heading repealed by Stats. 1963, Ch. 610)

28195. In every room of a bakery in which any bakery product is prepared, manufactured, processed, or packaged or in which utensils are washed, sufficient natural or artificial lighting shall be provided to produce an intensity of not less than 10 foot-candles at 30 inches from the floor. In all other rooms of a bakery, lighting shall be provided to produce an intensity of not less than 4 foot-candles 30 inches from the floor.

(Added by Stats. 1947, Ch. 766; repealed and added by Stats. 1963, Ch. 610.)

28196. Any room or equipment in a bakery in which bakery products are prepared, manufactured, processed, packaged, stored, or in which utensils are washed, shall be properly and adequately ventilated by providing natural ventilation or mechanical exhaust ventilation equipment as required to effectively remove to the outside air, objectionable odors, smoke, steam, and vapors.

(Added by Stats. 1947, Ch. 766; repealed and added by Stats. 1963, Ch. 610.)

28197. Effective means shall be provided as necessary to prevent entrance into a bakery of flies, other insects, rodents, or other animals.

(Added by Stats. 1947, Ch. 766; repealed and added by Stats. 1963, Ch. 610.)

28198. Hot and cold running water under pressure shall be provided in areas of a bakery in which bakery products are prepared or where utensils and equipment are washed. The water supply shall be of a safe and sanitary quality.

(Added by Stats. 1947, Ch. 766; repealed and added by Stats. 1963, Ch. 610.)

28199. The entire premises of a bakery, including fixtures, bakery utensils, apparatus, devices, machines, counters, shelves, tables, refrigerators, and other equipment shall be so constructed and so located as to facilitate easy cleaning and shall

be kept clean, in good repair, and in sanitary condition, and free from vermin and rodents. A sink or sinks of adequate size, drainboards and back splash constructed of metal or other suitable impervious material shall be provided for the washing of pots, pans, and other utensils. Adequate mechanical washing equipment may be provided as necessary.

(Added by Stats. 1947, Ch. 766; repealed and added by Stats. 1963, Ch. 610.)

28200. Clean toilet facilities, in good repair, shall be provided for employees on the premises of a bakery. When there are five or more employees of different sexes, separate toilets shall be provided for each sex. Toilet rooms shall be separated from other portions of the bakery by tight-fitting, self-closing doors.

Handwashing facilities, in good repair, shall be provided for production employees of a bakery within or adjacent to toilet rooms and shall be equipped with hot and cold running water. Mixing-type faucets or outlets shall be provided which supply warm water at proper temperature while both hands are free for washing. Handwashing detergent or soap and sanitary towels shall be provided at handwashing facilities. Before beginning the work of preparing, mixing, or handling the ingredients used in baking or handling unwrapped bakery products, and immediately after visiting a toilet, every person shall wash his hands and exposed portions of his arms thoroughly with soap or detergent and warm water and rinse them in clean water. Appropriate notice to this effect shall be posted in each toilet and dressing room.

A room or enclosure separated from toilets or any food storage or food preparation area of a bakery, shall be provided where employees may change and store their outer garments. No employee shall dress or undress or store his clothing in any other area on the premises.

All toilets, lavatory facilities, and dressing rooms of a bakery shall be maintained in a clean and sanitary condition, and the floors, walls and ceilings shall be of such construction and material as to be easily cleaned. Toilet rooms shall be vented to the outside air.

(Added by Stats. 1947, Ch. 766; repealed and added by Stats. 1963, Ch. 610.)

28201. Every bakery shall be provided with such facilities and equipment as are necessary to properly store or dispose of all waste material. All food waste and rubbish containing food waste shall be kept in tight, nonabsorbent, rodentproof containers covered with close-fitting lids. These containers shall be cleaned as necessary and shall be kept covered. All food waste and rubbish shall be removed and disposed of in a sanitary manner as frequently as may be necessary to prevent the creation of a nuisance.

(Added by Stats. 1947, Ch. 766; repealed and added by Stats. 1963, Ch. 610.)

28202. All flour, cereal, sugar, and other food ingredients in other than waterproof containers shall be stored in a bakery at least six inches off the floor, except when movable pallets are used, and at least six inches away from the wall. All cartons, sacks, and boxes used in the packaging of any bakery product shall be protected at all times from dust, dirt, flies, and other forms of contamination or adulteration. Containers of raw materials or ingredients which have been opened shall be adequately protected from contamination or adulteration.

No insecticide or other poisonous or deleterious substance shall be stored in any food preparation room of a bakery nor in any room where food products are kept or stored except in a separate cabinet provided for that purpose. All poisonous substances, detergents, bleaches, cleaning compounds or similar materials shall be specifically and plainly labeled as to contents and hazardous use. No such product shall be used in a manner which would cause contamination or adulteration.

(Added by Stats. 1947, Ch. 766; repealed and added by Stats. 1963, Ch. 610.)

Article 3. (Heading repealed by Stats. 1963, Ch. 610)

28203. Employees of a bakery while engaged in the work of baking, preparing, or producing bakery products shall wear clean, washable outer garments and shall wear adequate hair covering. No employee while so engaged shall expectorate, use tobacco in any form, or commit any act which may result in contamination or adulteration of any bakery product.

(Added by Stats. 1963, Ch. 610.)

28204. No live animal, bird, or fowl shall be kept or allowed in any bakery. This section does not apply to dogs being used by the blind.

(Added by Stats. 1963, Ch. 610.)

28205. No employee or other person shall sit, lie, stand, or walk upon any table, bench, trough, shelf or other equipment of a bakery which comes in direct contact with any bakery product or ingredient thereof. No person shall sit, lie, walk, or stand upon any ingredient or raw material used in any bakery product.

(Added by Stats. 1963, Ch. 610.)

28206. No person shall be employed in a bakery who, in the opinion of the health officer, is affected with, or a carrier of, any disease in a stage which is likely to be communicable to persons exposed as a result of the affected employee's normal duties as a food handler.

When information as to the possibility of disease transmission is presented to the health officer, he shall investigate conditions and take appropriate action. The health officer may, after investigation and for reasonable cause, require any or all of the following measures:

(a) The immediate exclusion of such employee or owner from the bakery by the health officer.

(b) The immediate closing of the bakery until no further danger of disease outbreak exists in the opinion of the health officer.

(c) Adequate medical examination of the owner or employees with such laboratory examination as may be indicated; or should such examination or examinations be refused, then the immediate exclusion of the refusing owner or employees from that or any other bakery, until an adequate medical or laboratory examination shows that he is not affected with or a carrier of any disease in a communicable form.

(Added by Stats. 1963, Ch. 610.)

28207. No couch, cot, bed, or other sleeping accommodation shall be maintained or kept in any room where food is prepared or stored.

(Added by Stats. 1963, Ch. 610.)

28208. All readily perishable bakery products including but not limited to cooked custard- and cream-filled pastries or ingredients thereof which are capable of supporting rapid and progressive growth of micro-organisms likely to cause food infections or intoxications shall during storage prior to processing and upon completion of processing be cooled to a temperature of 50 degrees Fahrenheit within a time period that will prevent the rapid and progressive growth of such micro-organisms and shall thereafter be held at a temperature not to exceed 50 degrees Fahrenheit.

(Added by Stats. 1963, Ch. 610.)

28209. The vehicles, boxes, baskets, and other receptacles in which bakery products are transported shall be kept in a clean and sanitary condition at all times, and kept free from dust, flies, and other contamination. All showcases, shelves, or other places in a bakery where unwrapped bakery products are stored shall be kept well covered and kept clean, in good repair, and in a sanitary condition at all times. Boxes or other receptacles used for delivery of bakery products to a retail store or selling place, before the store or selling place is open or after they are closed, shall be so constructed of an impervious material and so placed as to prevent such bakery products from becoming contaminated.

(Added by Stats. 1963, Ch. 610.)

28210. Every bakery product which is sold, offered for sale, or held for sale shall have protective wrapping which shall bear a label which complies with the labeling requirements prescribed by Article 3 (commencing with Section 26490), Chapter 3, of this division. Bakery products sold directly to the consumer or restaurant or catering service or retail bakery by the manufacturer or bakery distributor are exempt from the provisions of this section. French style, hearth-baked or hard-crusted loaves and rolls shall be considered properly wrapped if in an open end bag of sufficient size to enclose such loaves or rolls.

(Added by Stats. 1947, Ch. 766: repealed and added by Stats. 1963, Ch. 610.)

28211. All bakery products produced, prepared, packed, sold or offered for sale shall comply with the provisions of Chapter 3 (commencing with Section 26450), of this division, except as exempted in Section 28210. The State Department of Public Health shall enforce the provisions of this section which pertain to adulteration, standards of identity, and labeling of bakery products.

(Added by Stats. 1947, Ch. 766; repealed and added by Stats. 1963, Ch. 610.)

28212. The health officer or his agents shall have free access at all reasonable hours to any place where bakery products are produced, held for sale, offered for sale, or sold for the purpose of inspecting and enforcing this chapter.

(Added by Stats. 1947, Ch. 766; repealed and added by Stats. 1963, Ch. 610.)

28213. Any person who violates this chapter is guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500) or imprisonment in the city or county jail for a term not to exceed six months, or both such fine and imprisonment.

(Added by Stats. 1947, Ch. 766; repealed and added by Stats. 1963, Ch. 610.)

28214. The State Board of Public Health may adopt regulations for the administration of this chapter. Any violation of such regulations is a violation of this chapter.

(Added by Stats. 1947, Ch. 766; repealed by Stats. 1949, Ch. 1299; added by Stats. 1963, Ch. 610.)

28215. This chapter does not prevent or prohibit any local enforcement agency from requiring any license, permit, or inspection fee for any bakery or distributor of bakery products to engage in any activity as covered by this chapter.

(Added by Stats. 1947, Ch. 766; repealed and added by Stats. 1963, Ch. 610.)

28216. This chapter shall be known as the California Bakery Sanitation Law.

(Added by Stats. 1947, Ch. 766; repealed and added by Stats. 1963, Ch. 610.)

28217. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1963, Ch. 610.)

Article 3. (Heading repealed by Stats. 1963, Ch. 610)

28220. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1963, Ch. 610.)

28221. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1963, Ch. 610.)

28222. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1963, Ch. 610.)

28223. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1963, Ch. 610.)

28224. (Added by Stats. 1947, Ch. 766; amended by Stats. 1957, Ch. 205; repealed by Stats. 1963, Ch. 610.)

28225. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1963, Ch. 610.)

28226. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1963, Ch. 610.)

Article 5. (Heading repealed by Stats. 1963, Ch. 610)

28230. (Added by Stats. 1947; amended by Stats. 1949, Ch. 1299; repealed by Stats. 1963, Ch. 610.)

28231. (Added by Stats. 1947; repealed by Stats. 1949, Ch. 1299; added by Stats. 1951, Ch. 317; repealed by Stats. 1963, Ch. 610.)

Article 6. (Heading repealed by Stats. 1963, Ch. 610)

28235. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1963, Ch. 610.)

28236. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1963, Ch. 610.)

28237. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1963, Ch. 610.)

28238. (Added by Stats. 1959, Ch. 1637; repealed by Stats. 1963, Ch. 610.)

Article 7. (Heading repealed by Stats. 1963, Ch. 610)

28240. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1963, Ch. 610.)

28241. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1963, Ch. 610.)

28242. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1963, Ch. 610.)

28243. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1963, Ch. 610.)

28244. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1963, Ch. 610.)

28245. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1963, Ch. 610.)

Article 8. (Heading repealed by Stats. 1963, Ch. 610)

28250. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1963, Ch. 610.)

28251. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1963, Ch. 610.)

28252. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1963, Ch. 610.)

28253. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1963, Ch. 610.)

28254. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1963, Ch. 610.)

CHAPTER 7. FOOD SANITATION

(Chapter 7 added by Stats. 1947, Ch. 762; heading amended by Stats. 1951, Ch. 988)

Article 1. Food Processing Establishments

28280. "Food," as used in this chapter, includes all articles used for food, drink, confectionery, or condiment, whether simple or compound, and all substances and ingredients used in the preparation thereof.

(Added by Stats. 1947, Ch. 762; amended by Stats. 1949, Ch. 1347.)

28280.1. "Food processing establishment," as used in this chapter, shall mean any room, building or place or portion thereof, maintained, used or operated for the purpose of commercially storing, packaging, making, cooking, mixing, processing, bottling, canning, packing, slaughtering or otherwise preparing or handling food except restaurants.

(Added by Stats. 1951, Ch. 988.)

28281. Every food processing establishment shall be properly lighted, drained, plumbed, and ventilated; and shall be conducted with strict regard to the influence of lighting, drainage, plumbing, and ventilation upon the health of persons therein employed, and upon the purity and wholesomeness of the food therein produced, prepared for sale, manufactured, packed, stored, kept, handled, sold, or distributed.

(Added by Stats. 1947, Ch. 762; amended by Stats. 1951, Ch. 988.)

28282. The floors, side walls, ceiling, furniture, receptacles, utensils, implements, and machinery of every food processing establishment shall at no time be kept in an unclean, unhealthful, or unsanitary condition.

Any of the following is deemed to be "an unclean, unhealthful, or unsanitary condition":

(a) If food in the process of manufacture, preparation, packing, storing, sale, or distribution is not securely protected from flies, dust, or dirt, and from all other foreign or injurious contamination.

(b) If refuse, dirt, and waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, and distributing of food, are not removed daily.

(c) If all trucks, trays, boxes, baskets, buckets, other receptacles, chutes, platforms, racks, tables, shelves, knives, saws, cleavers, and all other utensils, receptacles, and machinery used in moving, handling, cutting, chopping, mixing, canning, and all other processes employed in the preparation of food are not thoroughly cleaned daily.

(d) If the clothing of employees is unclean or if they dress, undress, or leave or store their clothing in the place where the food is produced, prepared, manufactured, packed, sold or distributed.

(Added by Stats. 1947, Ch. 762; amended by Stats. 1951, Ch. 988.)

28282.5. No live animal or fowl shall be kept or allowed in any establishment where food is prepared, manufactured, kept, stored, offered for sale or sold unless such establishment is exclusively devoted to the slaughter, processing and/or sale of such animal or fowl.

(Added by Stats. 1951, Ch. 988.)

28283. The side walls and ceilings of every bakery, confectionery, hotel, or restaurant kitchen shall be well plastered or ceiled with metal or lumber, or shall be oil painted or kept well lime washed, or otherwise kept in a good sanitary condition.

(Added by Stats. 1947, Ch. 762.)

28284. All interior woodwork of every bakery, confectionery, hotel, or restaurant kitchen shall be kept well oiled or painted with oil paint, and shall be kept washed clean with soap and water, or otherwise kept in a good sanitary condition.

(Added by Stats. 1947, Ch. 762.)

28285. Every building, room, basement, or cellar occupied or used for the preparation, manufacture, packing, storage, sale, or distribution of food shall have an impermeable floor, made of cement, or of tile laid in cement, brick, wood, or other suitable, nonabsorbent material which can be flushed and washed clean with water.

(Added by Stats. 1947, Ch. 762.)

28286. Where practicable, the doors, windows, and other openings of every food producing or distributing establishment shall be fitted with stationary or self-closing screen doors and wire window screens, of not coarser than 14 mesh wire gauze.

(Added by Stats. 1947, Ch. 762.)

28287. Every building, room, basement, or cellar occupied or used for the production, preparation, manufacture, packing, canning, sale, or distribution of food shall have convenient toilet or toilet-rooms, separate and apart from the room or rooms where the process of production, preparation, manufacture, packing, canning, selling, or distributing is conducted.

(Added by Stats. 1947, Ch. 762.)

28288. The floors of toilet-rooms shall be made of cement, or of tile laid in cement, wood, brick, or other nonabsorbent material, and shall be washed and scoured daily.

(Added by Stats. 1947, Ch. 762.)

28289. The toilets shall be furnished with separate ventilating pipes or flues discharging either into soil pipes or on the outside of the building in which they are situated.

(Added by Stats. 1947, Ch. 762.)

28290. Lavatories and washrooms shall be adjacent to toilet-rooms and shall be supplied with soap, running water, and towels, and shall be maintained in a clean and sanitary condition.

(Added by Stats. 1947, Ch. 762.)

28291. Employees and others who handle the material from which food is prepared or the finished product shall before beginning work and immediately after visiting a toilet or lavatory, wash their hands and arms thoroughly in clean water.

(Added by Stats. 1947, Ch. 762.)

28292. No employee or other person shall sit or lie upon any table, bench, trough, shelf, or other equipment which is intended for use in connection with any food manufacturing process.

(Added by Stats. 1947, Ch. 762; repealed by Stats. 1949, Ch. 1347; added by Stats. 1951, Ch. 988.)

28293. No employee or other person shall expectorate or discharge any substance from his nose or mouth on the floor or interior side wall of any building, room basement, or cellar where the production, preparation, manufacture, packing, storing, or sale of any food is conducted.

(Added by Stats. 1947, Ch. 762.)

28294. No person shall, nor shall any person be allowed to, reside or sleep in any room of a bake-shop, public dining-room, hotel or restaurant kitchen, confectionery, or other place where food is prepared, produced, manufactured, served, or sold.

(Added by Stats. 1947, Ch. 762.)

28295. No employer shall require or permit any person to work, in a food processing establishment or vehicle used for the production, preparation, manufacture, sale, or transportation of food if the person is infected with any contagious, infectious, or communicable disease which can be transmitted by the food involved.

(Added by Stats. 1947, Ch. 762; amended by Stats. 1957, Ch. 205.)

28296. The board, its inspectors and agents, and all local health officers and inspectors may at all times enter any building, room, basement, cellar, or other place occupied or used, or suspected of being occupied or used, for the production, preparation, manufacture, storage, sale, or distribution of food, and inspect the premises and all utensils, implements, receptacles, fixtures, furniture, and machinery used.

(Added by Stats. 1947, Ch. 762.)

28297. If upon inspection any such building, room, basement, cellar, or other place, or any vehicle, employer, employee, or other person is found to be in violation of or violating any of

the provisions of this article, or if the production, preparation, manufacture, packing, storing, sale, or distribution of food is being conducted in a manner detrimental to the health of the employees or to the character or quality of the food being produced, prepared, manufactured, packed, stored, sold, distributed, or conveyed, the person making the inspection shall at once make a written report of the violation to the district attorney of the county, who shall prosecute the violator. He shall make a like report to the board. The board, from time to time, may publish such reports in its monthly bulletin.

(Added by Stats. 1947, Ch. 762.)

28298. Every building, room, basement, cellar, or other place or thing kept, maintained, or operated in violation of this article, and all food produced, prepared, manufactured, packed, stored, kept, sold, distributed, or transported in violation of this article, is a public nuisance dangerous to health. Any such nuisance may be abated or enjoined in an action brought for that purpose by the local or state board or may be summarily abated in the manner provided by law for the summary abatement of public nuisances dangerous to health.

(Added by Stats. 1947, Ch. 762.)

28299. The sections contained in Article 1 of Chapter 7 of Division 21 of the Health and Safety Code are to be known as the California Food Sanitation Act.

(Added by Stats. 1951, Ch. 988.)

Article 2. Food Containers

28310. "Bottle," as employed in this article, includes any bottle or any glass or crockery food container, other than one not previously used, which is used or sold for use in the manufacture, production, preparation, compounding, blending, or packing for sale of any food, drug, or liquor.

(Added by Stats. 1947, Ch. 762.)

28311. This article is not applicable to containers subject to the provisions of Division IV of the Agricultural Code.

(Added by Stats. 1947, Ch. 762.)

28312. The provisions of this article in reference to sterilization procedures and methods in cleaning bottles, as in this article defined, shall apply to all persons cleaning previously used bottles who are engaged in the business of packaging food, drugs, or liquors and to all persons maintaining a place of business for the cleaning and resale of such bottles sold for and to be used for packing a food, drug or liquor.

The sale for use of any such bottle by any person not licensed by the board as herein provided, when the use intended by purchaser is to package for sale a food, drug or liquor produced or packaged by such purchaser is unlawful, except in the case of a sale to a purchaser for export out of this State or who is

engaged in the business of packaging food, drugs or liquors at a fixed place of business in this State and is equipped to cleanse and sterilize bottles as in this article provided.

(Added by Stats. 1947, Ch. 762; amended by Stats. 1949, Ch. 1347, and by Stats. 1951, Ch. 988.)

28313. The board shall issue a license to an applicant therefor upon the receipt of such evidence as the board may require showing that the applicant is properly equipped for the cleansing and sterilization of bottles as herein provided, or at its option upon the recommendation of a city, county or city and county health officer. This license is nontransferable.

The license provisions of this article shall not apply to food, drug or liquor manufacturers or packers who buy bottles for their own use and purposes, but do apply to any other person, firm or corporation engaged in the business of cleaning, sterilizing and reselling bottles to such manufacturers or packers except as hereinabove provided.

(Added by Stats. 1947, Ch. 762; amended by Stats. 1949, Ch. 1347, and by Stats. 1957, Ch. 353.)

28314. An establishment is deemed properly equipped for the cleansing and sterilization of bottles if it maintains and employs the following standards:

(a) Cleanses and sterilizes bottles by first soaking them in a hot caustic solution of not less than 120 degrees F. for a period of not less than five minutes which temperature shall be indicated by a thermometer. The solution shall contain not less than $2\frac{1}{2}$ percent of caustic soda expressed in terms of sodium hydrates.

(b) Changes the cleansing solution frequently so as to prevent its becoming foul and insanitary.

(c) Thoroughly rinses the bottles after the soaking.

(Added by Stats. 1947, Ch. 762; amended by Stats. 1951, Ch. 988.)

28315. All bottles shall be cleansed and sterilized as specified in Section 28314, and shall be kept free from rust or contamination.

(Added by Stats. 1947, Ch. 762.)

28316. A licensee shall issue a certificate of sterilization with each shipment of bottles to a purchaser, stating that the licensee has cleansed and sterilized the bottles in the manner required by this article.

(Added by Stats. 1947, Ch. 762.)

28317. If any licensee fails to maintain his equipment and to cleanse or sterilize any bottle in the manner required by this article, and issues a certificate knowing its contents to be untrue, the board may revoke or suspend his license after a hearing. The proceedings for the revocation or suspension of a license shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

(Added by Stats. 1947, Ch. 762.)

28318. Any purchaser of a bottle who shows a certificate of sterilization signed by a licensed seller thereof complies sufficiently with this article.

(Added by Stats. 1947, Ch. 762.)

28319. Nothing in this article prohibits the sale for use of any uncleaned or unsterilized bottle to a purchaser who is licensed under this article.

(Added by Stats. 1947, Ch. 762.)

28320. Food containers manufactured from second-hand tin plate and intended for the packing of hermetically sealed canned food products intended to be used for human consumption shall not be so used unless the tin plate from which they are manufactured has, prior to their manufacture, been cleansed and sterilized by thorough immersion in boiling water, and then dried on hot rolls or by the use of heated air.

The board may inspect any place where the containers are manufactured for the purpose of enforcing this section.

(Added by Stats. 1947, Ch. 762.)

28321. The provisions of this article with the exception of the licensing provisions may be enforced by any local enforcement division, which shall be construed to mean the local health department, headed by the duly appointed, qualified and acting health officer of any county, city or city and county. Such territory may include one or more counties, cities or cities and counties.

(Added by Stats. 1949, Ch. 1347.)

28322. A nonalcoholic soft drink, whether or not carbonated, shall be deemed to be misbranded if in a bottle or other closed container unless the name and address of the bottler or distributor thereof appears on such container by being molded, printed, or otherwise labeled thereon, or said name and address is shown on the crown or cap of such container if such container is a permanently and distinctively branded bottle. Such a beverage shall not be deemed to be misbranded under this section if in a bottle or other closed container on which is molded, printed or otherwise labeled the product name, trade-mark or brand of the distributor or bottler thereof and if a sworn affidavit has been filed in the Bureau of Food and Drug Inspections of the Department of Public Health stating the name, trade-mark, or brand of such beverage, a full and complete description of each territory or area of the State in which such beverage is to be distributed, and the names and addresses of such persons as are responsible for compliance with this division in the bottling and distribution of such beverage in each territory or area of the State in which such beverage is distributed. Nothing in this section shall be deemed to exempt any bottler or distributor of a beverage or beverages from any provision of Chapter 3 of this division.

(Added by Stats. 1951, Ch. 533; amended by Stats. 1955, Ch. 1751.)

Article 3. Closed Containers

28325. Except when sold in bulk for manufacturing purposes, it is unlawful to sell or otherwise dispose of at retail jams, jellies, preserves, marmalades, peanut butter, horseradish, mayonnaise, or salad dressings other than in closed containers approved by the board, when the board determines that any other method of sale or disposition of any such food or food product is conducive to its contamination by flies, insects, dust, dirt, or foreign material of any kind whatsoever.

(Added by Stats. 1947, Ch. 762.)

Article 4. Walnuts

28330. This article does not apply to the shelling, cleaning, grading, or packing of any walnuts by the grower thereof upon the land where the walnuts are grown.

(Added by Stats. 1947, Ch. 762.)

28331. It is unlawful for any person to shell any walnuts intended for sale for human consumption or which are sold for human consumption, or to pack, clean, grade, or otherwise prepare such walnuts after shelling, except upon premises which are licensed as provided in this article.

(Added by Stats. 1947, Ch. 762.)

28332. No license shall be issued except upon application and after inspection by the board of the premises for which the license is requested, and only if the board finds that the premises comply with the standards prescribed in Sections 28280 to 28287, both inclusive, and 28295 of this chapter.

(Added by Stats. 1947, Ch. 762.)

28333. The board shall inspect the premises within 10 days after the date of the filing of the application.

(Added by Stats. 1947, Ch. 762.)

28334. A license issued by the board shall not be for a period of more than one year, and shall expire at the end of the period for which it is issued. This license is nontransferable.

(Added by Stats. 1947, Ch. 762; amended by Stats. 1957, Ch. 353.)

28335. At any time after the issuance of the license the premises covered thereby may be reinspected by the board, and the license may be revoked or suspended after a hearing by the board if it finds that the premises no longer comply with the standards prescribed by Sections 28280 to 28287, both inclusive, and 28295 of this chapter. The proceedings for the revocation or suspension of a license shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

(Added by Stats. 1947, Ch. 762.)

28336. All licensees and others subject to Section 28337 shall keep accurate and sufficient records showing their respective shelling, cleaning, grading, packing, preparing, purchasing, and receiving operations in shelled walnuts, and the names and addresses of their employees and agents. Such

records shall be kept in the form prescribed by the board, and are subject to inspection at any time by the board.

Failure to keep any records required by this section is unlawful.

(Added by Stats. 1947, Ch. 762.)

28337. It is unlawful for any person to purchase, acquire, or receive for sale or introduction into the channels of trade, in their original or any modified or manufactured form, any shelled walnuts, or products thereof, which were shelled, cleaned, graded, packed, or otherwise prepared other than on licensed premises.

(Added by Stats. 1947, Ch. 762.)

28338. The annual fee for a license issued pursuant to this article is twenty-five dollars (\$25).

All fees shall be deposited with the State Treasurer.

(Added by Stats. 1947, Ch. 762.)

28339. The board may issue and enforce all rules and regulations necessary to carry out this article, and may prescribe forms and accounting methods to be used by licensees with respect to operations subject to license under this article.

(Added by Stats. 1947, Ch. 762.)

Article 5. Violations

28345. Any person, whether as principal or agent, employer or employee, who violates any of the provisions of this chapter is guilty of a misdemeanor punishable upon conviction by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. Each day's violation is a separate and distinct offense.

(Added by Stats. 1947, Ch. 762.)

CHAPTER 8. CANNERIES

(Chapter 8 added by Stats. 1947, Ch. 764)

Article 1. Definitions and Scope

28360. "State board," as used in this chapter, means the State Board of Public Health.

(Added by Stats. 1947, Ch. 764.)

28361. "Meat or meat products" as used in this chapter, means any meat or meat product or poultry or poultry product which is not subject to the inspection of the Bureau of Meat Inspection or the Bureau of Poultry Inspection of the State Department of Agriculture, or of the Meat Inspection Division or Poultry Division of the United States Department of Agriculture, or of an approved municipal inspection department or establishment.

(Added by Stats. 1947, Ch. 764; amended by Stats. 1949, Ch. 581, and by Stats. 1959, Ch. 1350.)

28362. "Food product," as used in this chapter, includes any fish or fish product, meat or meat product, or any other food product.

(Added by Stats. 1947, Ch. 764.)

28363. The operation of noncommercial canning centers by community canning centers, schools, churches, other organizations, or housewives who pack hermetically sealed canned food products for their own consumption and do not sell the canned food, is exempt from the licensing provisions of this chapter.

(Added by Stats. 1947, Ch. 764.)

28364. In lieu of a license, a permit to operate such a canning center shall be issued without cost by the board upon the submission of such evidence as the board requires to show that the persons operating the center are qualified and that the center is properly equipped and meets all other provisions of this chapter.

(Added by Stats. 1947, Ch. 764.)

28365. Food products which do not require the use of a pressure cooker but necessitate acidulation and pH determinations come within this chapter.

(Added by Stats. 1947, Ch. 764.)

28366. No act which is unlawful under Chapter 3 of this division, relating to the adulterating, mislabeling, misbranding, false advertising, and sale of foods, is lawful by reason of this chapter.

(Added by Stats. 1947, Ch. 764.)

Article 2. Cannery Inspection Board

28380. There is in the State Government a Cannery Inspection Board consisting of the following six members:

(a) The director of the state department, who shall act as chairman.

(b) One man appointed by the State Board of Health who shall have had at the time of his appointment at least ten (10) years experience in or with canning technology and has a degree in chemistry, bacteriology or medicine.

(c) Four men appointed by the state board who are experienced, have substantial investments and are actively engaged in the canning industry at the time of their appointment.

One of the four appointive members shall be engaged in the canning of animal food.

(Added by Stats. 1947, Ch. 764; amended by Stats. 1949, Ch. 581.)

28381. Each appointed member holds office for a term of one year or until his successor is appointed.

(Added by Stats. 1947, Ch. 764.)

28382. Members of the board serve without compensation. The board shall meet at least quarterly.

(Added by Stats. 1947, Ch. 764; amended by Stats. 1953, Ch. 1316.)

28383. The Cannery Inspection Board shall, subject to the approval of the state board, estimate the cost of the separate inspection and laboratory control required to be made for each food product subject to this chapter.

(Added by Stats. 1947, Ch. 764.)

28384. The estimate shall be made prior to the opening of the canning season for each such product having a canning season of less than three consecutive months, and prior to each quarter for each such product having a canning season of more than three consecutive months.

(Added by Stats. 1947, Ch. 764.)

28385. For the purpose of prorating the estimated cost of inspection and laboratory control, the Cannery Inspection Board, subject to the approval of the state board, shall estimate the number of cases to be packed, the number of tons to be packed, or the number of man-hours necessary to be employed, whichever in its discretion is most equitable as a basis of proration.

(Added by Stats. 1947, Ch. 764.)

28386. Based on the estimates required by the last three sections, the Cannery Inspection Board, subject to the approval of the state board, shall determine the probable cost of inspection and laboratory control per thousand cases, per ton, or per man-hour, whichever in its discretion is most equitable.

(Added by Stats. 1947, Ch. 764.)

28387. The cost of laboratory control and research on products subject to this chapter shall be prorated by the Cannery Inspection Board in the same manner as the costs of inspection are prorated by it.

(Added by Stats. 1947, Ch. 764.)

28388. If the delegation of discretion to determine whether the case, ton, or man-hour basis is most equitable as a basis of prorating the cost of inspection and laboratory control is held invalid as an unlawful delegation of legislative power, such invalidity shall not affect the validity of the remaining portions of this chapter. The Legislature hereby declares that if it had known that the delegation of such delegation would be declared invalid as an unlawful delegation of legislative power, it would have designated the man-hour basis of proration as the most equitable basis of proration. In the event of such invalidity, the cost of inspection and laboratory control shall be prorated on the man-hour basis.

(Added by Stats. 1947, Ch. 764.)

Article 3. Proration of Costs

28400. At the end of each quarter, or at the close of any canning season which does not exceed three consecutive months, the state board shall determine the actual cost of inspection and laboratory control of each separate food product for the preceding quarter or preceding canning season, and shall prorate such cost to each person licensed under this chapter on the basis of cases packed, tons packed, or number of man hours

necessary to be employed, whichever has been determined by the Cannery Inspection Board, with the approval of the state board, to be most equitable.

(Added by Stats. 1947, Ch. 764.)

28401. In making any separate inspection and laboratory control for any food product, the state board shall not spend more than the amount estimated by the Cannery Inspection Board as the cost of the inspection without the approval of the Cannery Inspection Board.

(Added by Stats. 1947, Ch. 764.)

28402. In making estimates, determinations, assessments, and prorations under Articles 2 and 3 of this Chapter, the Cannery Inspection Board and the state board may include as a part of the cost of inspection a reasonable charge for stand-by services of inspectors.

(Added by Stats. 1947, Ch. 764.)

28403. In lieu of all other procedures in Articles 2 and 3 of this chapter, each person licensed under this chapter may be assessed at an estimated annual hourly rate set by the Cannery Inspection Board with the approval of the state board and the State Director of Finance. Such annual rate shall be set for each industry group based on the estimated cost.

(Added by Stats. 1953, Ch. 1316.)

Article 4. Licenses and Licensees

28410. It is unlawful for any person to engage in the non-commercial canning of salmon, or in the commercial canning of any fish or fish product, meat or meat product, or any other food product for the use of man or animal, the sterilization of which in the opinion of the state board requires the use of a pressure cooker or a retort, without first obtaining a license from the state board.

(Added by Stats. 1947, Ch. 764.)

28411. The state board shall issue an annual license, which is nontransferable, to any person on the receipt of fifty dollars (\$50) per plant, and such evidence as the board may require to show that (1) the applicant is properly equipped with a retort or pressure cooker which has recording thermometers, indicating thermometers, and pressure gauges to carry out such rules and regulations as the state department may adopt for the sterilization of food products for the canning of which a license is sought and (2) the applicant is in compliance with the sanitary regulations of the state board. The applicant shall be deemed to be in compliance with such sanitary regulations unless the applicant has been given written notice by the state board not less than sixty (60) days prior to the expiration of the existing license that the cannery does not comply with such sanitary regulations, and the applicant has subsequently failed to bring the cannery into compliance therewith.

(Added by Stats. 1947, Ch. 764; amended by Stats. 1949, Ch. 581, and by Stats. 1957, Ch. 353.)

28411.5. Any person who has been denied the annual license provided in this chapter may obtain a hearing by the state board by mailing a written request therefor to said board. The state board shall give the applicant at least ten (10) days notice of such hearing and shall hold such hearing within thirty (30) days of the receipt of such request.

(Added by Stats. 1949, Ch. 581.)

28412. In addition to the annual license fee, the state board shall demand from each licensee such cash deposit for the payment of his pro rata share of the estimated cost of inspection and laboratory control as the state board may deem necessary.

(Added by Stats. 1947, Ch. 764; amended by Stats. 1947, Ch. 810.)

28413. If the deposit made by any licensee is insufficient to meet the actual cost of an inspection and laboratory control of any product determined by the state board, the later shall demand from the licensee, and the licensee shall immediately pay to the state board, in addition to the license fee payable by the licensee, the difference between the deposit and his pro rata share of the actual cost of the inspection and laboratory control.

(Added by Stats. 1947, Ch. 764.)

28414. If at the end of the calendar year, or at the end of any canning season of less than three consecutive months the deposit made by any licensee under this chapter is greater than the actual cost prorated to the licensee, the difference shall be refunded if requested by such licensee in accordance with law. If the difference is not so refunded, it shall be credited toward the required deposit for the next calendar year or canning season.

(Added by Stats. 1947, Ch. 764; amended by Stats. 1947, Ch. 810.)

28415. No food product subject to the inspection required by this chapter shall be shipped by the licensee who packed it until the licensee has either paid his pro rata share of the estimated cost of inspection or has furnished the state board a cash deposit for the payment of his pro rata share of such cost.

(Added by Stats. 1947, Ch. 764; amended by Stats. 1947, Ch. 810.)

28416. The state board may after notice and opportunity for hearing suspend or revoke a license issued under this chapter for any of the following causes:

(a) Nonpayment of the pro rata share of the cost of inspection and laboratory control, or failure to comply with a demand for a cash deposit or other security by the holder of the license.

(b) Noncompliance with any of the regulations of the state board.

(c) Operation of an insanitary cannery after due notice by registered mail has been received.

- (d) Inadequate rat-proofing of a cannery throughout.
- (e) Wilful packing of any canned food commodity which has been rejected by an agent of the state department.
- (f) Packing of any canned food commodity subject to this chapter without notifying the state department before packing.

(Added by Stats. 1947, Ch. 764.)

28417. After conviction for a violation of Chapter 3 of this division, the license or the person convicted may be suspended for a period of from 1 to 30 days.

(Added by Stats. 1947, Ch. 764.)

28418. Proceedings for the suspension and revocation of licenses shall be conducted in accordance with Chapter 5, Part 1, Division 3, Title 2 of the Government Code; and the state board has all the powers granted therein.

(Added by Stats. 1947, Ch. 764.)

Article 5. General Provisions

28430. No person shall permit another to operate a steam controlled retort used in the commercial canning industry for the sterilization of food products, unless the latter first obtains a permit from the state board. The board may pass upon and determine the qualifications of the applicant with a view to the preservation of the public health.

Any permit granted is revocable by the board whenever in its judgment the public health requires such action.

(Added by Stats. 1947, Ch. 764.)

28431. It is unlawful for any person to place upon the label of any bottle, can, jar, carton, case, box, barrel, or any other receptacle, vessel, or container of whatever material or nature which may be used by a packer, manufacturer, producer, jobber, or dealer for enclosing any canned food product, fish or fish product, or meat or meat product, any statement relative to the product having been inspected, unless the statement has been approved in writing by the state board.

Approval of a statement is revocable at any time by the state board upon written notice.

(Added by Stats. 1947, Ch. 764.)

28432. Any food product packed in violation of this chapter may be quarantined by the state board until a laboratory examination has established that the product meets the requirements of this chapter.

(Added by Stats. 1947, Ch. 764.)

28433. Any person who packs any food product which has been quarantined by the state board shall pay the state board all reasonable costs of any laboratory examination, determined by the Cannery Inspection Board, subject to the approval of the state board, to be necessary to ascertain that the seized product was packed in violation of this chapter.

(Added by Stats. 1947, Ch. 764.)

28434. The Division of Cannery Inspections has supervision over the inspection and examination of raw fish and fish products preparatory to canning.

The cost of the inspection and examination shall be determined and paid in the manner provided in Article 2 of this chapter.

(Added by Stats. 1947, Ch. 764.)

Article 6. Rules and Enforcement

28440. The state board may make such rules and regulations as it deems necessary for the proper enforcement of this chapter, and such rules and regulations shall have the force and effect of law.

(Added by Stats. 1947, Ch. 764.)

28441. No rule or regulation or amendment thereto shall be adopted unless submitted by the state board to the Cannery Inspection Board at least five days prior to the date of adoption.

(Added by Stats. 1947, Ch. 764.)

28442. The state board shall enforce its rules and regulations and the provisions of Chapter 3 of this division relating to the canning of food products, through the Chief of the Bureau of Cannery Inspections and such other employees as it deems necessary. The state board shall, so far as practicable, acquaint each licensee subject to this chapter with its rules and regulations, and upon request therefor by any licensee shall furnish a copy of such rules and regulations.

(Added by Stats. 1947, Ch. 764.)

28443. The district attorney of the county in which any violation of this chapter occurs shall prosecute the person accused of the violation.

(Added by Stats. 1947, Ch. 764.)

Article 7. Funds

28450. (Added by Stats. 1947, Ch. 764; repealed by Stats. 1951, Ch. 1261. See note following Section 117.)

28451. All money received by the State Department of Public Health under the provisions of this chapter shall be paid at least once each month to the State Treasurer, and on order of the State Controller, shall be deposited in the General Fund in the State Treasury.

(Added by Stats. 1951, Ch. 1261. See note following Section 117.)

28452. Notwithstanding the provisions of Section 28451, the State Department of Public Health and the Department of Finance may authorize the deposit in the Special Deposit Fund of cash deposits received by the State Department of Public Health under the provisions of Section 28412; and in such event, upon the determination by the State Department of Public Health that all or a part of any such deposit is due the State for payment on account of the depositor's pro-rata share of costs incurred by the State under this chapter, the amount so deter-

mined shall, on order of the State Controller, be transferred from the Special Deposit Fund to the General Fund.

All money deposited in the Special Deposit Fund under the provisions of this section shall be subject to the provisions of Article 2 of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code.

(Added by Stats. 1951, Ch. 1261. See note following Section 117.)

Article 8. Violations

28455. Any person who does not obtain a license required of him by this chapter, or who engages in canning operations after his license has been suspended or revoked, or who otherwise violates this chapter, is guilty of a misdemeanor, and upon conviction is punishable by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for not exceeding six months.

(Added by Stats. 1947, Ch. 764.)

CHAPTER 9. OLIVE OIL

(Chapter 9 added by Stats. 1947, Ch. 710)

28475. "Olive oil," as used in this chapter, means the edible oil obtained from the fruit of the olive tree (*olea europea* L.).

(Added by Stats. 1947, Ch. 710.)

28476. "Imitation olive oil," as used in this chapter, means the mixture of any edible oil with olive oil to resemble olive oil; or any edible oil artificially colored or flavored to resemble olive oil.

(Added by Stats. 1947, Ch. 710; amended by Stats. 1953, Ch. 1692.)

28477. (Added by Stats. 1947, Ch. 710; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

28478. Unless a license so to do is first obtained from the board, it is unlawful for any person in this State to engage in the packaging or manufacture of olive oil, or in the wholesale distribution of olive oil where his name and address will appear upon olive oil containers of one pint capacity or larger, as the distributor and his name will appear upon the containers as the only California addressee.

(Added by Stats. 1947, Ch. 710; amended by Stats. 1949, Ch. 1572.)

28479. On receipt of an application showing that the applicant is properly equipped to package or manufacture olive oil, or is a wholesale distributor of olive oil whose name and address will appear upon olive oil containers as distributor and whose name also will appear upon such containers as the only California addressee, the board shall, free of charge, issue the applicant a license, not transferable, but good until revoked, to package, manufacture, or distribute olive oil as the case may be.

The board may revoke or suspend such license after a hearing. The proceedings for the revocation or suspension of a license shall be in accordance with Chapter 5 of Part 1 of Divi-

sion 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

(Added by Stats. 1947, Ch. 710; amended by Stats. 1949, Ch. 1572.)

28480. It is unlawful to manufacture, sell, offer for sale, give away, or to possess imitation olive oil in the State.

This section does not prohibit the blending of olive oil with other edible oils by any person in his own home for his own personal use.

(Added by Stats. 1947, Ch. 710; amended by Stats. 1949, Ch. 1572.)

28481. The use of any artificial color or flavor in the manufacture or blending of olive oil is prohibited.

(Added by Stats. 1947, Ch. 710.)

28482. It is unlawful to prepare, express, mix, or blend olive pomace or meats with any bland fixed oil other than olive oil.

(Added by Stats. 1947, Ch. 710.)

28483. All records of those licensed under the provisions of this act which concern the amounts of olive oil produced and/or purchased, or the sale and/or distribution of any olive oil, shall be open to inspection upon demand of any agent of this board.

(Added by Stats. 1947, Ch. 710; repealed and added by Stats. 1951, Ch. 814.)

28484. It is unlawful to reuse any olive oil container, can, or drum for repacking any fixed oil intended to be used for food purposes, except on the premises of the processor.

(Added by Stats. 1947, Ch. 710.)

28485. All olive oil for technical purposes shall be denatured with an odoriferous substance so as to render it unfit for food purposes.

(Added by Stats. 1947, Ch. 710.)

28486. It is unlawful to sell or offer for sale olive oil containing more than 5 percent free fatty acid without first denaturing the oil and making it unfit for human consumption.

(Added by Stats. 1947, Ch. 710.)

28487. The board shall enforce the provisions of this chapter.

(Added by Stats. 1947, Ch. 710.)

28488. Any person violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not exceeding one year, or by both such fine and imprisonment.

(Added by Stats. 1947, Ch. 710.)

CHAPTER 10. FOOD SULPHURS

(Chapter 10 added by Stats. 1947, Ch. 709)

28500. "Sulphur for sulphuring fruits or other foods," as used in this chapter, means sulphur which contains not more than 10 parts per million of arsenic oxide (As_2O_3).

(Added by Stats. 1947, Ch. 709.)

28501. Every package, parcel, bag, or container of sulphur for sulphuring fruits or other foods shall be labeled or tagged.
(Added by Stats. 1947, Ch. 709.)

28502. The label or tag shall contain the words in boldfaced type, not less than one-fourth of an inch in height, "sulphur for sulphuring fruits or other foods."

(Added by Stats. 1947, Ch. 709.)

28503. The label or tag shall also contain the name and address of the person who manufactures, prepares, or packs the sulphur.

(Added by Stats. 1947, Ch. 709.)

28504. The board shall prescribe the form of the tags or labels to be used.

(Added by Stats. 1947, Ch. 709.)

28505. No person shall use sulphur containing more than 10 parts per million of arsenic oxide (As_2O_3) for the purpose of sulphuring fruits or other foods.

(Added by Stats. 1947, Ch. 709.)

28506. No person shall sell, offer for sale, or keep for sale sulphur containing more than 10 parts per million of arsenic oxide (As_2O_3) for the purpose of sulphuring fruits or other foods.

(Added by Stats. 1947, Ch. 709.)

28507. The board shall enforce the provisions of this chapter.

(Added by Stats. 1947, Ch. 709.)

28508. The board shall prescribe and enforce such rules and regulations as it may deem necessary to carry into effect the full intent and meaning of this chapter.

(Added by Stats. 1947, Ch. 709.)

28509. Any person who violates any provision of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five dollars (\$5) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for a term not exceeding six months, or by both.

(Added by Stats. 1947, Ch. 709.)

CHAPTER 11. SANITATION OF RESTAURANTS, ITINERANT RESTAURANTS, VEHICLES AND VENDING MACHINES

(Chapter 11 added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633)

Article 1. Definitions and General Provisions

(Article 1 added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633)

28520. This chapter is known as the "California Restaurant Act."

(Added by Stats. 1961, Ch. 633.)

28521. Unless the context otherwise requires, the definitions set forth in this article govern the construction of this chapter.

(Added by Stats. 1961, Ch. 633.)

28522. "Restaurant" means any coffeeshop, cafeteria, short-order cafe, luncheonette, tavern, cocktail lounge, sandwich stand, soda fountain, private and public school cafeteria or eating establishment, in-plant or employee eating establishment, and any other eating establishment, organization, club, including veterans' club, boardinghouse, guesthouse, or political subdivision, which gives, sells, or offers for sale, food to the public, guests, patrons, or employees as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering functions. The term "restaurant" shall not include itinerant restaurants, vending machines, vehicles, co-operative arrangements by employees who purchase food or beverages for their own consumption and where no employee is assigned full time to care for or operate equipment used in such arrangement, or private homes; nor shall the term "restaurant" include churches, church societies, private clubs or other nonprofit associations of a religious, philanthropic, civic improvement, social, political, or educational nature, which purchase food, food products, or beverages or which receive donations of food, food products, or beverages, for service without charge to their members, or for service or sale at a reasonable charge to their members or to the general public at occasional fund-raising events, for consumption on or off the premises at which the food, food products, or beverages are served or sold, if the service or sale of such food, food products or beverages does not constitute a primary purpose or function of the club or association, and if no employee or member is assigned full time to care for or operate equipment used in such arrangement.

(Added by Stats. 1961, Ch. 633; amended by Stats. 1962 (1st Ex. Sess.), Ch. 27.)

28523. "Itinerant restaurant" means any restaurant, operating from temporary facilities, serving, offering for sale, selling, or giving away food or beverage, and includes, but is not limited to, a restaurant where only wrapped sandwiches or other wrapped and packaged, ready-to-eat foods are served, and any mobile unit on which food is prepared and served.

(Added by Stats. 1961, Ch. 633.)

28524. "Vehicle" means any vehicle upon which food or beverage is displayed, sold, or offered for sale at retail, or given away to the public, but not including bakery delivery vehicles which are used exclusively to carry bakery products in sealed packages which are subject to the provisions of Section 28235.

(Added by Stats. 1961, Ch. 633.)

28525. "Vending machine" means any self-service device offered for public use, which, upon insertion of a coin, coins, or token, or by other means, dispenses unit servings of food or beverage, either in bulk or in package, without the necessity of replenishing the device between each vending opera-

tion, but not including devices dispensing peanuts, wrapped candy, gum, or ice exclusively.

(Added by Stats. 1961, Ch. 633.)

28526. "Machine location" means the room, enclosure, space, or area where one or more vending machines are installed and operated.

(Added by Stats. 1961, Ch. 633.)

28527. "Food or beverage" includes all articles used for food, drink, confectionery or condiment, whether simple or compound, and all substances and ingredients used in the preparation thereof for human consumption.

(Added by Stats. 1961, Ch. 633.)

28528. "Employee" means any person working in an operation covered by this chapter.

(Added by Stats. 1961, Ch. 633.)

28529. "Utensils" includes any kitchenware, tableware, glasses, cutlery, containers, implements, or other equipment with which food or beverage comes in contact during storage, display, preparation, serving, or through use by an employee or consumer.

(Added by Stats. 1961, Ch. 633.)

28530. "Single service," as used with reference to any utensil, container, implement, wrapper, or other article, means a utensil, container, implement, wrapper or other article intended for use only once in the preparation, storage, display, service, or consumption of food or beverage.

(Added by Stats. 1961, Ch. 633.)

28531. "Product contact surface" means any surface of the vending machine, appurtenances, or containers which comes into direct contact with any food, beverage, or ingredient.

(Added by Stats. 1961, Ch. 633.)

28532. "Multiuse," as used with reference to any utensil, container, implement, wrapper, or other article, means a utensil, container, implement, wrapper, or other article, intended for use for more than one time in the preparation, storage, display, service, or consumption of food or beverage.

(Added by Stats. 1961, Ch. 633.)

28533. "New," as used in reference to new restaurants or new equipment, applies to restaurants constructed or machines or equipment installed after the effective date of the act enacted at the 1961 Regular Session of the Legislature adding this chapter.

(Added by Stats. 1961, Ch. 633.)

28534. "Person" means natural person, club, including veterans' club, firm, corporation, partnership, organization, association, or political subdivision.

(Added by Stats. 1961, Ch. 633.)

28535. "Local health officer" means the city, county, or district health officer having jurisdiction over an operation covered by this chapter.

(Added by Stats. 1961, Ch. 633.)

Article 2. Sanitation Requirements for Restaurants
(Article 2 added by Stats. 1947, Ch. 394; repealed and
added by Stats. 1961, Ch. 633)

28540. The floor surfaces in all rooms in which food or beverage is stored or prepared, utensils are washed, or refuse or garbage is stored, and the floor surfaces of toilet, dressing, or locker rooms and of walk-in refrigerators, shall be of such construction and material as to be easily cleaned. They shall be smooth, in good repair, and kept clean.

The floors of rooms in which food or beverage is served shall be clean and kept in good repair. The use of sawdust on floors of food preparation rooms is prohibited.

(Added by Stats. 1961, Ch. 633.)

28541. The walls and ceilings of all kitchens shall be of light-colored, smooth, washable material and kept clean and in good repair. The walls and ceilings of food storage rooms and toilet rooms shall be of such construction as to be easily cleaned and shall be kept clean and in good repair.

This section shall not be applicable to storage rooms where foods or beverages in unopened bottles, cans, cartons, sacks, or other original shipping containers, are stored, but such storage rooms shall be kept free from vermin and in a sanitary condition.

(Added by Stats. 1961, Ch. 633.)

28542. Walls and ceilings of all rooms shall be cleaned as often as is necessary to maintain them in a clean condition. In rooms or areas where food is prepared, or where utensils are washed, acoustical tile may be used, if it is not installed less than six feet above the floor and where used it complies with all applicable requirements of this section and Section 28541.

(Added by Stats. 1961, Ch. 633.)

28543. All restaurants shall be so equipped, maintained, and operated as to control the entrance, harborage and breeding of vermin, including flies. When flies or other vermin are present, effective control measures shall be instituted for their control or elimination.

(Added by Stats. 1961, Ch. 633.)

28544. Light shall be provided in all areas and rooms of a restaurant. The working surfaces in rooms or areas in which food or beverages, other than alcoholic beverages, are prepared or in which utensils are washed shall be provided with at least 10 foot-candles of light. Food and utensil storage rooms, and toilet and dressing rooms shall be provided with at least four foot-candles of light, as measured 30 inches above the floor.

During general cleanup activities, adequate light for efficient conduct of such activities shall be provided in the area being cleaned.

(Added by Stats. 1961, Ch. 633.)

28545. Ventilation shall be provided for dissipation of disagreeable odors and condensation in all rooms of a restaurant where food or beverages are prepared, stored, or served, where utensils are washed, in garbage storage rooms, and in all toilet rooms and dressing rooms.

At or above all cooking equipment, such as ranges, griddles, ovens, deep-fat fryers, barbecues, and rotisseries, there shall be provided mechanical exhaust ventilation equipment, as required to effectively remove cooking odors, smoke, steam, grease, and vapors.

All food preparation and dishwashing areas shall have sufficient ventilation to provide a reasonable condition of comfort for the employees working there, consistent with the job performed by the employee.

(Added by Stats. 1961, Ch. 633.)

28546. Hot and cold running water under pressure shall be provided in all areas in which food is prepared or utensils are washed. The water supply shall be of a safe, sanitary quality.

(Added by Stats. 1961, Ch. 633.)

28547. Toilet facilities shall be provided convenient to the employees on the premises. Where there are five or more employees of different sex, separate toilets shall be provided for each sex. Toilet rooms shall be separated from other portions of the restaurant by tight-fitting, self-closing doors.

(Added by Stats. 1961, Ch. 633.)

28548. Handwashing facilities, in good repair, shall be provided for employees within or adjacent to toilet rooms and shall be equipped with hot and cold running water. Handwashing detergent or soap and sanitary towels or hot-air blowers shall be provided at handwashing facilities in permanently installed dispensing devices.

No person shall begin or resume work in a restaurant after visiting the toilet without first washing his hands. Legible signs shall be posted in each toilet room directing attention to this requirement.

(Added by Stats. 1961, Ch. 633; amended by Stats. 1963, Ch. 544.)

28549. A room or enclosure, separated from toilets or any food storage or food preparation area, shall be provided where employees may change and store their outer garments. No employee shall dress or undress or store his clothing in any other area on the premises.

(Added by Stats. 1961, Ch. 633.)

28550. All toilets, lavatory facilities, and change rooms shall be maintained in a clean and sanitary condition.

(Added by Stats. 1961, Ch. 633.)

28551. Toilet paper, handwashing detergent or soap, and sanitary towels or hot-air blowers shall be provided at all times when the restaurant is in operation.

(Added by Stats. 1961, Ch. 633; amended by Stats. 1963, Ch. 544.)

28552. All plumbing shall be installed and maintained so as to prevent contamination of the water supply and minimize the possibility of contamination of foods and specialized equipment used in the washing of utensils.

(Added by Stats. 1961, Ch. 633.)

28553. All multiuse utensils and all show and display cases or windows, counters, shelves, tables, refrigeration equipment, sinks, dishwashing machines and other equipment or utensils used in connection with the preparation, service, and display of food, in the operation of a restaurant, shall be made of nontoxic materials and so constructed, installed, and maintained as to be readily cleaned, and shall be kept clean and in good repair.

(Added by Stats. 1961, Ch. 633.)

28554. All restaurants shall have adequate facilities for the cleaning and sanitizing of all multiuse utensils.

(Added by Stats. 1961, Ch. 633.)

28555. Where single-service eating and drinking utensils are used exclusively, no facilities for dishwashing are required, except that if multiuse kitchen utensils are used, then at least a two-compartment metal sink, equipped with hot and cold running water, and metal drainboards shall be required.

(Added by Stats. 1961, Ch. 633.)

28556. All multiuse eating and drinking utensils shall be thoroughly cleaned and subjected to an effective bactericidal process after each usage.

(Added by Stats. 1961, Ch. 633.)

28557. Where multiuse eating and drinking utensils are washed by hand, one of the following facilities shall be provided for washing and sanitization:

(a) A three-compartment metal sink with metal drainboards, where chemicals are used for sanitization.

(b) A two-compartment metal sink with metal drainboards, where hot water is used for sanitization. The rinse compartment shall be equipped with heating facilities, so insulated or separated from the wash sink as to maintain the rinse water at not less than 180 degrees Fahrenheit.

(Added by Stats. 1961, Ch. 633.)

28558. A two-compartment metal sink, having metal drainboards, with a chemical sanitizer, which is in use in a restaurant on the effective date of the act enacted at the 1961 Regular Session of the Legislature adding this chapter, may be continued in use until replaced because of deterioration thereof or modernization of the premises.

In all new restaurants, or where replacement of existing equipment takes place, if the use of a chemical sanitizer is proposed, there shall be provided a three-compartment metal sink, with metal drainboards.

(Added by Stats. 1961, Ch. 633.)

28559. (a) All multiuse eating and drinking utensils, when washed by hand in a three-compartment sink, shall be washed in hot water with an effective detergent until thoroughly clean.

They shall then be rinsed in clear water before being immersed in a solution containing a bactericidal chemical for such time and in such concentration as shall be first approved and prescribed by the state department; provided, that such process produces results equivalent to those produced by contact with a hypochlorite solution containing 100 parts per million of available chlorine for 30 seconds.

(b) All multiuse eating and drinking utensils, when washed by hand in a two-compartment sink, shall be washed in hot water with an effective detergent until thoroughly clean and then immersed for at least one-half minute (30 seconds) in clean hot water, at a temperature of at least 180 degrees Fahrenheit, as measured by a thermometer, or immersed in a solution containing a bactericidal chemical as prescribed in subdivision (a).

(c) Other methods may be used if approved by the state department.

(Added by Stats. 1961, Ch. 633.)

28560. Where multiuse eating and drinking utensils are washed by machine, the machine shall be so designed, installed, and operated as to thoroughly clean and to provide an effective bactericidal rinse for all such utensils.

All new spray-type machines which are designed for a hot-water bactericidal rinse shall conform to the Standard No. 3 of the National Sanitation Foundation, as amended in September, 1956, and shall be installed and operated in accordance with such standard; or such machines shall be of a type, and shall be installed and operated, as approved by the state department. The velocity, quantity, and distribution of the washwater, type and concentration of detergent used therein, and the time the utensils are exposed to the water, shall be such as to thoroughly clean the utensils. The machine shall be connected to a hot water system so installed and maintained as to continuously provide water of at least 180 degrees Fahrenheit at the connection to the machine during the required bactericidal rinse. The quantity of rinse water and the time of exposure shall be such as to provide bactericidal effectiveness equivalent to that provided by compliance with Standard No. 3 of the National Sanitation Foundation, as amended in September, 1956, or that approved by the state department.

(Added by Stats. 1961, Ch. 633.)

28561. All multiuse kitchen utensils used in the preparation or serving of food or beverage shall be thoroughly cleaned after each usage or following each day's operations or as circumstances require.

(Added by Stats. 1961, Ch. 633.)

28562. Where multiuse kitchen utensils are washed by hand, there shall be provided at least a two-compartment metal sink, with metal drainboards. There shall be provided hot and cold running water.

(Added by Stats. 1961, Ch. 633.)

28563. In all dishwashing operations, dishes shall be scraped or rinsed prior to dishwashing.

Different methods or materials for washing or bactericidal rinsing of utensils may be used if approved by the state department as providing results equivalent to those produced by the methods required by this article.

The local health officer may test the adequacy of the bactericidal process by performing rim counts in accordance with methods approved by the state department, and the average of such counts on eating and drinking utensils at all times after washing and before serving shall not exceed 100 colonies per utensil.

(Added by Stats. 1961, Ch. 633.)

28564. Adequate and suitable space shall be provided for the storage of utensils and equipment. The storage rooms, shelves, and racks shall be constructed and installed so as to be easily cleaned. Utensils and equipment shall be so handled and stored as to be protected from contamination. Single-service utensils shall be obtained only in sanitary containers, shall be stored in a clean, dry place until used, handled in a sanitary manner, and used once only.

(Added by Stats. 1961, Ch. 633.)

28565. Every restaurant shall be provided with such facilities and equipment as are necessary to properly store or dispose of all waste material.

(Added by Stats. 1961, Ch. 633.)

28566. Food waste disposals, when provided, shall be connected to a public sewerage system or a private sewerage disposal system which is designed to properly collect and dispose of such waste.

(Added by Stats. 1961, Ch. 633.)

28567. All food waste and rubbish containing food waste which is kept inside the restaurant prior to disposal shall be kept in tight, nonabsorbent containers covered with close-fitting lids.

All food waste and rubbish containing food waste which is stored outside of the restaurant prior to collection or disposal shall be kept in rodentproof containers covered with close-fitting lids.

All food waste and rubbish containing food waste shall be removed and disposed of in a sanitary manner as frequently as may be necessary to prevent the creation of a nuisance.

(Added by Stats. 1961, Ch. 633.)

28568. Waste containers used for storing garbage shall be maintained in a clean and sanitary condition.

(Added by Stats. 1961, Ch. 633.)

28569. All liquid wastes disposed of through the plumbing system of a restaurant shall discharge into the public sewerage system or into a private sewerage disposal system which satisfactorily disposes of such materials beneath the surface of the ground. Other types of private sewerage disposal sys-

tems shall be used only with the written approval of the local health officer.

(Added by Stats. 1961, Ch. 633.)

28570. Adequate and suitable space shall be provided for the storage of food and beverage.

(Added by Stats. 1961, Ch. 633.)

28571. Ingredients used in the preparation of foods or beverages, and all foods or beverages offered for sale, sold or served, shall be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale and served so as to be pure, free from adulteration and spoilage; shall have been obtained from approved sources, when such approval is required by law; shall otherwise be fully fit for human consumption; and shall conform to the applicable provisions of Chapter 3 (commencing at Section 26450) of this division.

No food or beverage prepared in a private home shall be used in the preparation of foods or beverages, offered for sale, sold, or given away in a restaurant.

This section shall not be construed to require temperature controls.

(Added by Stats. 1961, Ch. 633.)

28572. All food or beverage shall be prepared, stored, displayed, dispensed, placed, and served so as to be protected from dust, flies, vermin, pollution by rodents, unnecessary handling, droplet infection, overhead leakage, or other contamination.

(Added by Stats. 1961, Ch. 633.)

28573. No food, or food in a container, shall be stored directly on the floor. They shall be stored at least six inches above the floor, or under such other conditions as are approved by the state department.

(Added by Stats. 1961, Ch. 633.)

28574. Displays of unpackaged foods, arranged for self-service to the public, shall be effectively shielded so as to intercept a direct line between the customer's mouth and the food being displayed.

(Added by Stats. 1961, Ch. 633.)

28575. Except as provided in Section 28578, all readily perishable food or beverage, capable of supporting rapid and progressive growth of micro-organisms which can cause food infections or food intoxications, and which are intended to be held prior to processing, or are to be reused on the premises, shall be maintained at or below a temperature of 50 degrees Fahrenheit. No such readily perishable food or beverage which is to be served to the consumer on the premises where prepared shall be held above such temperature for such periods of time and under such conditions which can cause food intoxication.

(Added by Stats. 1961, Ch. 633.)

28576. All refrigerators shall be kept in good repair and clean. All food stored in refrigerators shall be protected from contamination. Foods that require no further preparation

before service, when stored in refrigerators, shall either be covered or so placed that they are not subject to contamination from containers, unwashed fruits and vegetables, raw meats, or other contamination from above. An accurate thermometer shall be installed in all refrigerators so as to be readily visible.

(Added by Stats. 1961, Ch. 633.)

28577. All frozen foods shall be kept at a temperature which will keep such food in a frozen state until ready for processing or preparation. No food which has been completely thawed shall be refrozen.

(Added by Stats. 1961, Ch. 633.)

28578. All readily perishable food or beverages, capable of supporting rapid and progressive growth of micro-organisms which can cause food infections or food intoxications, when being maintained hot for serving, or while being served hot, shall be kept in devices which maintain the temperature of all portions of the food or beverage above 140 degrees Fahrenheit. An accurate thermometer, suitable for measuring temperature of food, shall be kept readily available.

(Added by Stats. 1961, Ch. 633.)

28579. No article of food or any beverage which has been previously served to any person or returned from any table shall be used in the preparation of other foods or beverages for human consumption.

(Added by Stats. 1961, Ch. 633.)

28580. No insecticide or other poisonous substance shall be stored in any food preparation room or in any room where food products are kept, stored, or served except in a separate cabinet provided for that purpose. All poisonous substances shall be specifically and plainly labeled as to contents and hazardous use. No insecticide or rodenticide shall be used in a manner which would cause contamination of food or utensils.

(Added by Stats. 1961, Ch. 633.)

28581. No live animal, bird, or fowl shall be kept or allowed in any room where food or beverage is prepared, stored, kept, or served. This section shall not apply to dogs being used by the blind.

(Added by Stats. 1961, Ch. 633.)

28582. The premises of all restaurants shall be kept clean and free, by all reasonable means, of litter and rubbish.

(Added by Stats. 1961, Ch. 633.)

28583. Living and sleeping quarters shall be separated entirely, with a solid partition, from the restaurant. No couch, cot, bed, or other sleeping accommodation shall be maintained or kept in any room where food is prepared, stored, or served.

(Added by Stats. 1961, Ch. 633.)

28584. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose. No tablecloths, napkins, or other linen that has been used for any other purpose since laundering shall be used for wiping utensils, counters, tables,

food preparation or dispensing equipment, or in connection therewith.

(Added by Stats. 1961, Ch. 633.)

Article 3. Sanitation Requirements for Itinerant Restaurants

(Article 3 added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633)

28590. The floors of all rooms or areas of an itinerant restaurant shall be of such construction as to be smooth, in good repair, and kept clean. Dust control measures shall be effected in the surrounding area to reduce the hazard of dust.

(Added by Stats. 1961, Ch. 633.)

28591. The walls and ceilings of all food preparation and utensil washing areas shall be of light-colored, smooth, washable material and shall be kept clean and in good repair. If operating at public gatherings, walls and ceilings of a temporary stand may be of clean, light-colored canvas.

(Added by Stats. 1961, Ch. 633.)

28592. All itinerant restaurants shall be so equipped, maintained, and operated as to effectively control the entrance, harborage, and breeding of vermin, including flies. When flies or other vermin are present, effective control measures shall be instituted for their control or elimination.

(Added by Stats. 1961, Ch. 633.)

28593. Light shall be provided in all areas and rooms of an itinerant restaurant. The working surfaces in rooms or areas in which food or beverages, other than alcoholic beverages, are prepared or in which utensils are washed shall be provided with at least 10 foot-candles of light. Food and utensil storage areas, if provided, shall be lighted to an intensity of four foot-candles of light, as measured 30 inches above the floor.

During general cleanup activities, adequate light for efficient conduct of such activities shall be provided in the area being cleaned.

(Added by Stats. 1961, Ch. 633.)

28594. Ventilation shall be provided for dissipation of disagreeable odors and condensation in all rooms or areas of an itinerant restaurant where food or beverages are prepared, stored, or served, where utensils are washed, and in garbage storage rooms or areas.

At or above all cooking equipment, such as ranges, griddles, ovens, deep-fat fryers, barbecues, and rotisseries, there shall be provided mechanical exhaust ventilation equipment, as required to effectively remove cooking odors, smoke, steam, grease, and vapors.

(Added by Stats. 1961, Ch. 633.)

28595. Hot and cold running water under pressure shall be provided in all areas in which food is prepared or utensils washed. The water supply shall be of a safe, sanitary quality.

(Added by Stats. 1961, Ch. 633.)

28596. Toilet facilities shall be provided convenient to the employees. Where there are five or more employees of different sex, separate toilets shall be provided for each sex. At public gatherings, including, but not limited to, fairs, carnivals and circuses, where a number of itinerant restaurants are operating, toilets shall be provided in the ratio of at least one water closet, chemical toilet, or privy for each 15 employees.

(Added by Stats. 1961, Ch. 633.)

28597. Handwashing facilities, in good repair, shall be provided for employees within or adjacent to the food preparation area and shall be equipped with hot and cold running water. Handwashing detergent or soap and single-service sanitary towels shall be provided at handwashing facilities, in permanently installed dispensing devices.

No person shall begin or resume work in an itinerant restaurant after visiting the toilet without first washing his hands. Legible signs shall be posted in each toilet room directing attention to this requirement.

(Added by Stats. 1961, Ch. 633.)

28598. All toilet and lavatory facilities shall be maintained in a clean and sanitary condition.

28599. Toilet paper, handwashing detergent or soap, and towels shall be provided at all times when the itinerant restaurant is in operation.

(Added by Stats. 1961, Ch. 633.)

28600. All plumbing shall be installed and maintained so as to prevent contamination of the water supply and minimize the possibility of contamination of foods and specialized equipment used in the washing of utensils.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

28601. All multiuse utensils and all show and display cases or windows, counters, shelves, tables, refrigeration equipment, sinks, dishwashing machines and other equipment or utensils used in connection with the preparation, service and display of food, in the operation of an itinerant restaurant, shall be made of nontoxic materials and so constructed, installed and maintained as to be readily cleaned, and shall be kept clean and in good repair.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

28602. Where single-service eating and drinking utensils are used exclusively, no facilities for dishwashing shall be required, except that if multiuse kitchen utensils are used, then at least a two-compartment metal sink, equipped with hot and cold running water, and metal drainboards shall be required.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

28603. If multiuse eating and drinking utensils are used, the itinerant restaurant shall have adequate facilities for their cleaning and sanitizing. These utensils shall be thoroughly cleaned and subjected to an effective bactericidal process after each usage.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

28604. Where multiuse eating and drinking utensils are washed by hand, one of the following facilities shall be provided for washing and sanitization:

(a) A three-compartment metal sink with metal drainboards, where chemicals are used for sanitization.

(b) A two-compartment metal sink with metal drainboards, where hot water is used for sanitization. The rinse compartment shall be equipped with heating facilities, so insulated or separated from the wash sink as to maintain the rinse water at not less than 180 degrees Fahrenheit.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

28605. (a) All multiuse eating and drinking utensils, when washed by hand in a three-compartment sink, shall be washed in hot water with an effective detergent until thoroughly clean. They shall then be rinsed in clear water before being immersed in a solution containing a bactericidal chemical for such time and in such concentration as shall be first approved and prescribed by the state department, provided that such process produces results equivalent to those produced by contact with a hypochlorite solution containing 100 parts per million of available chlorine for 30 seconds.

(b) All multiuse eating and drinking utensils, when washed by hand in a two-compartment sink, shall be washed in hot water with an effective detergent until thoroughly clean, and then immersed for at least 30 seconds in clean hot water, at a temperature of at least 180 degrees Fahrenheit, as measured by a thermometer.

(c) Other methods may be used if approved by the state department.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

28606. Where multiuse eating and drinking utensils are washed by machine, the machine shall be so designed, installed and operated as to thoroughly clean and to provide an effective bactericidal rinse for all such utensils.

All new spray-type machines which are designed for a hot-water bactericidal rinse shall conform to the Standard No. 3 of the National Sanitation Foundation, as amended in September, 1956, and shall be installed and operated in accordance with such standard; or such machines shall be of a type, and shall be installed and operated, as approved by the state department. The velocity, quantity, and distribution of the wash-

water, and type and concentration of detergent used therein, and the time the utensils are exposed to the water, shall be such as to thoroughly clean the utensils. The machine shall be connected to a hot water system so installed and maintained as to continuously provide water of at least 180 degrees Fahrenheit, at the connection to the machine during the required bactericidal rinse. The quantity of rinse water and the time of exposure shall be such as to provide bactericidal effectiveness equivalent to that provided by compliance with Standard No. 3 of the National Sanitation Foundation, as amended in September, 1956, or that approved by the state department.

(Added by Stats. 1961, Ch. 633.)

28607. All multiuse kitchen utensils used in the preparation or serving of food and drink shall be thoroughly cleaned after each usage or following each day's operations, or as circumstances require.

(Added by Stats. 1961, Ch. 633.)

28608. In all dishwashing operations, dishes shall be scraped or rinsed prior to dishwashing.

Different methods or materials for washing or bactericidal rinsing of utensils may be used if approved by the state department as providing results equivalent to those produced by the methods required by this article. The local health officer may test the adequacy of the bactericidal process by performing rim counts in accordance with methods approved by the state department, and the average of such counts on eating and drinking utensils at all times after washing and before serving shall not exceed 100 colonies per utensil.

(Added by Stats. 1961, Ch. 633.)

28609. Adequate and suitable space shall be provided for the storage of utensils and equipment. The storage rooms, shelves, and racks shall be constructed and installed so as to be easily cleaned. Utensils and equipment shall be so handled and stored as to be protected from contamination. Single-service utensils shall be obtained only in sanitary containers, shall be stored in a clean, dry place until used, handled in a sanitary manner, and used once only.

(Added by Stats. 1961, Ch. 633.)

28610. Every itinerant restaurant shall be provided with such facilities and equipment as are necessary to properly store or dispose of all waste material.

(Added by Stats. 1961, Ch. 633.)

28611. Food waste disposals, when provided, shall be connected to a public sewerage system or a private sewerage disposal system which is designed to properly collect and dispose of such waste.

(Added by Stats. 1961, Ch. 633.)

28612. All food waste and rubbish containing food waste which is kept inside the restaurant prior to disposal shall be kept in tight, nonabsorbent containers covered with close-fitting lids.

All food waste and rubbish containing food waste which is stored outside of the itinerant restaurant prior to collection or disposal shall be kept in rodentproof containers covered with close-fitting lids.

All food waste and rubbish containing food waste shall be removed and disposed of in a sanitary manner as frequently as may be necessary to prevent the creation of a nuisance.

(Added by Stats. 1961, Ch. 633.)

28613. Waste containers used for storing garbage shall be maintained in a clean and sanitary condition.

(Added by Stats. 1961, Ch. 633.)

28614. All liquid wastes disposed of through the plumbing system of an itinerant restaurant shall discharge into the public sewerage system or into a private sewerage disposal system which satisfactorily disposes of such materials beneath the surface of the ground. Other types of private sewerage disposal systems shall be used only with the written approval of the local health officer.

(Added by Stats. 1961, Ch. 633.)

28615. Adequate and suitable space shall be provided for the storage of food or beverage.

(Added by Stats. 1961, Ch. 633.)

28616. Ingredients used in the preparation of foods or beverages, and all foods or beverages offered for sale, sold or served, shall be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale and served so as to be pure, free from adulteration and spoilage; shall have been obtained from approved sources, when such approval is required by law; shall otherwise be fully fit for human consumption; and shall conform to the applicable provisions of Chapter 3 (commencing at Section 26450) of this division.

No food or beverage prepared in a private home shall be used in the preparation of foods or beverages, offered for sale, sold or given away in an itinerant restaurant.

This section shall not be construed to require temperature controls.

(Added by Stats. 1961, Ch. 633.)

28617. All food or beverage shall be prepared, stored, displayed, dispensed, placed, and served so as to be protected from dust, flies, vermin, pollution by rodents, unnecessary handling, droplet infection, overhead leakage, or other contamination.

(Added by Stats. 1961, Ch. 633.)

28618. No food, or food in a container, shall be stored directly on the floor. They shall be stored at least six inches above the floor, or under such other conditions as are approved by the state department.

(Added by Stats. 1961, Ch. 633.)

28619. Displays of unpackaged foods, arranged for self-service to the public, shall be effectively shielded so as to intercept a direct line between the customer's mouth and the food being displayed.

(Added by Stats. 1961, Ch. 633.)

28620. Except as provided in Section 28623 all readily perishable food or beverage, capable of supporting rapid and progressive growth of micro-organisms which can cause food infections or food intoxications, and which are intended to be held prior to processing, or are to be reused on the premises shall be maintained at or below a temperature of 50 degrees Fahrenheit. No such readily perishable food or beverage which is to be served to the consumer on the premises where prepared shall be held above such temperature for such periods of time and under such conditions which can cause food intoxication.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

28621. All refrigerators shall be kept in good repair and clean. All food stored in refrigerators shall be protected from contamination. Foods that require no further preparation before service, when stored in refrigerators, shall either be covered or so placed that they are not subject to contamination from containers, unwashed fruits and vegetables, raw meats, or other contamination from above. An accurate thermometer shall be installed in all refrigerators so as to be readily visible.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

28622. All frozen foods shall be kept at a temperature which will keep such food in a frozen state until ready for processing or preparation. No food which has been completely thawed shall be refrozen.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

28623. All readily perishable food or beverages, capable of supporting rapid and progressive growth of micro-organisms which can cause food infections or food intoxications, when being maintained hot for serving, or while being served hot shall be kept in devices which maintain the temperature of all portions of the food or beverage above 140 degrees Fahrenheit. An accurate thermometer, suitable for measuring temperature of food, shall be kept readily available.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

28624. No article of food or any beverage which has been previously served to any person or returned from any table shall be used in the preparation of other foods or beverages for human consumption.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

28625. No insecticide or other poisonous substance shall be stored in any food preparation room or in any room where food products are kept, stored, or served except in a separate cabinet provided for that purpose. All poisonous substances shall be specifically and plainly labeled as to contents and hazardous use. No insecticide or rodenticide shall be used in a manner which would cause contamination of food or utensils.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

28626. No live animal, bird, or fowl shall be kept or allowed in any room where food or beverage is prepared, stored, or served. This section shall not apply to dogs being used by the blind.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

28627. The itinerant restaurant and the adjacent areas of influence thereto, shall be kept clean and free, by all reasonable means, of litter and rubbish.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

28628. Living and sleeping quarters shall be separated entirely, with a solid partition, from the itinerant restaurant. No couch, cot, bed, or other sleeping accommodation shall be maintained or kept in any room where food is prepared, stored, or served.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

28629. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose. No tablecloths, napkins, or other linen that has been used for any other purpose since laundering shall be used for wiping utensils, counters, tables, food preparation or dispensing equipment, or in connection therewith.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

Article 4. Sanitation Requirements for Vehicles

(Article 4 added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633)

28640. The name and address of the owner or operator of the vehicle shall be plainly indicated on each side of the exterior of the vehicle, in letters at least three inches high.

(Added by Stats. 1961, Ch. 633.)

28641. The compartments on all vehicles in which food or beverage is displayed, sold, offered for sale, or given away shall have tightly fitted exterior doors, which when closed, enclose the compartment.

(Added by Stats. 1961, Ch. 633.)

28642. The surfaces in all compartments in which food or beverage is stored, displayed, sold, offered for sale, or given away shall be of such construction and material as to be easily cleaned and to prevent vermin harborage, and shall be washable, in good repair, and kept clean. Effective control measures shall be instituted for vermin control when necessary.

(Added by Stats. 1961, Ch. 633.)

28643. During cleanup activities, adequate light for efficient conduct of such activities shall be provided in the area of the vehicle being cleaned.

(Added by Stats. 1961, Ch. 633.)

28644. No insecticide, rodenticide, or other poisonous material shall be stored in any food compartment, nor used in such a manner as to cause contamination of food or utensils.

(Added by Stats. 1961, Ch. 633.)

28645. All utensils used for dispensing, service, and display of food or beverage and with which food or beverage comes in contact shall be so constructed, installed, and maintained as to be readily cleaned, and shall be kept clean and in good repair. Cleaning shall be done at an establishment with proper facilities, approved by the local health officer.

(Added by Stats. 1961, Ch. 633.)

28646. Single-service utensils shall be obtained only in sanitary containers, shall be stored in a clean, dry place until used or placed in a closed dispenser which protects them from contamination, handled in a sanitary manner, and used once only.

(Added by Stats. 1961, Ch. 633.)

28647. The vehicle operator shall maintain a suitable container for refuse. He shall be responsible for sanitation of the environs of the place of operation unless operating on private property where adequate sanitary maintenance is provided by the property owner or manager.

(Added by Stats. 1961, Ch. 633.)

28648. Ingredients used in the preparation of foods or beverages, and all foods or beverages offered for sale, sold, or served, shall be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale, and served so as to be pure, free from adulteration and spoilage; shall have been obtained from approved sources, when such approval is required by law; shall otherwise be fully fit for human consumption; and conform to the applicable provisions of Chapter 3 (commencing at Section 26450) of this division.

No food or beverage prepared in a private home shall be used in the preparation of foods or beverages offered for sale, sold, or given away in a vehicle.

This section shall not be construed to require temperature controls.

(Added by Stats. 1961, Ch. 633.)

28648.5. Except as provided in Section 28650, all readily perishable food or beverages, capable of supporting rapid and progressive growth of micro-organisms which can cause food infections or food intoxications, and which are intended to be stored or held, shall be maintained at or below a temperature of 60 degrees Fahrenheit. No such readily perishable food or beverage which is to be served to the consumer shall be held above such temperature for such periods of time and under such conditions which can cause food intoxication.

(Added by Stats. 1961, Ch. 633. Operative 18 months after September 15, 1961.)

28649. All food or beverages shall be wrapped, packaged, enclosed, dispensed, or handled so as to be protected from dust, flies, vermin, droplet infection, or other contamination.

(Added by Stats. 1961, Ch. 633.)

28650. All readily perishable food or beverages, capable of supporting rapid and progressive growth of micro-organisms which can cause food infections or food intoxications when being maintained hot for serving, or being served hot, shall be kept in devices which maintain the temperature of all portions of the food or drink above 140 degrees Fahrenheit. The devices shall be equipped with a thermometer showing their internal temperature.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

Article 5. Sanitation Requirements for Vending Machines

(Article 5 added by Stats. 1961, Ch. 633)

28660. Foods, beverages, and ingredients intended for sale through vending machines shall be obtained from sources complying with Section 28571.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

28661. All product contact surfaces of containers and equipment shall be protected from contamination.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

28662. All foods, beverages, and ingredients shall be stored and packaged in clean, protected containers and handled, transported, and vended in a sanitary manner. Wet storage of packaged products is prohibited.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

28663. Readily perishable foods offered for sale through vending machines shall be dispensed to the consumer in the individual, original container or wrapper into which it was placed at the commissary or at the manufacturer's or processor's plant; or such products shall be dispensed into single-service containers.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

28663.5. (Added by Stats. 1947, Ch. 394; repealed by Stats. 1961, Ch. 633.)

28664. In vending machines dispensing readily perishable foods, beverages, or ingredients in bulk, the bulk supplies of such foods, beverages, or ingredients shall be transferred only to a bulk vending machine container and appurtenances which are clean and have been subjected to an approved bactericidal process in accordance with Sections 28554 to 28563, inclusive.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

28665. Readily perishable foods or beverages or ingredients within the vending machine shall be maintained at a temperature not higher than 50 degrees Fahrenheit or a temperature not lower than 140 degrees Fahrenheit. Vending machines dispensing readily perishable foods or beverages shall be provided with controls which insure the maintenance of these temperatures at all times. An exception may be made for the actual time required to fill or otherwise service the machine and for a maximum recovery period of 30 minutes following completion of filling or servicing operations. Such controls shall also place the machine in an inoperative condition until serviced by the operator, in the event of power failure or other condition which permits the food storage compartment to attain a temperature above 50 degrees Fahrenheit, or below 140 degrees Fahrenheit, whichever is applicable. Vending machines dispensing readily perishable foods or beverages shall be provided with a thermometer which, to an accuracy of plus or minus two degrees Fahrenheit, indicates the air temperature of the food storage compartment.

(Added by Stats. 1947, Ch. 394; repealed and added by Stats. 1961, Ch. 633.)

28666. In the case of vending machines that use fluid milk products as an ingredient in hot liquid foods or beverages, such milk product may be transferred at the machine location from the individual, original container of not more than one-half-gallon capacity to a vending machine bulk container which is clean and has been subjected to an approved bactericidal process in accordance with Sections 28554 to 28563, inclusive. In any such transfer, the entire contents of the individual, original container shall be used.

(Added by Stats. 1961, Ch. 633.)

28667. All multiuse containers or parts of vending machines which come in direct contact with readily perishable foods, beverages, or ingredients shall be removed from the machine daily and thoroughly cleaned and effectively subjected to an approved bactericidal process at the commissary or other approved facility. The requirements for daily cleaning and bactericidal treatment may be waived by the local health officer for those contact surfaces which are maintained at all times at a temperature of not higher than 50 degrees Fahren-

heit or at a temperature of not lower than 140 degrees Fahrenheit, whichever is applicable. Such parts shall, after cleaning and bactericidal treatment, be protected from contamination.

(Added by Stats. 1961, Ch. 633.)

28668. All parts of vending machines which come into direct contact with other than readily perishable foods, shall be thoroughly cleaned and subjected to bactericidal treatment as specified in Sections 28554 to 28563, inclusive. The frequency of the cleaning and bactericidal treatment shall be established by the local health officer, based upon the type of product being dispensed. A record of the cleaning and bactericidal treatment operations shall be maintained by the operator in each machine and shall be current for at least the past 30 days.

(Added by Stats. 1961, Ch. 633.)

28669. All single-service containers which receive food or beverage from machines dispensing such products in bulk, shall be purchased in sanitary cartons or packages which protect the containers from contamination, shall be stored in a clean, dry place until used, and shall be handled in a sanitary manner. The containers shall be stored in the original carton or package in which they are placed at the point of manufacture until introduced into the container magazine or dispenser of the vending machine. The containers stored within the vending machine shall be protected from manual contact, dust, insects, rodents, and other contamination.

(Added by Stats. 1961, Ch. 633.)

28670. The machine location shall be such as to minimize the potential for contamination of the product, shall be easily cleanable, and shall be kept clean.

Each vending machine shall be located in a room, area, or space which can be maintained in a clean condition and which is protected from overhead leakage from drains and piping. Each vending machine shall be so located that the space around and under the machine can be readily cleaned and so that insect and rodent harborage is not created.

The floor area upon which vending machines are located shall be reasonably smooth, of cleanable construction, and capable of withstanding repeated washing and scrubbing. This space, and the immediate surroundings of each vending machine, shall be maintained in a clean condition.

(Added by Stats. 1961, Ch. 633.)

28671. The vending machines shall be of sturdy construction and the exterior construction shall be so designed, fabricated, and finished as to facilitate its being kept clean and to minimize the entrance of insects and rodents.

The exterior construction of the vending machines shall be such as to facilitate cleaning and to minimize the entrance of insects and rodents, and the exterior of the machine shall be kept clean. Service connections shall be such as to protect against unintentional or accidental interruption of service to the machine.

Door and panel access openings to the product and container storage spaces of the machine shall be tight fitting, and, if necessary, gasketed so as to preclude the entrance of dust, moisture, insects, and rodents.

(Added by Stats. 1961, Ch. 633.)

28672. All ventilation louvers or openings into vending machines shall be effectively screened against insects and rodents by screening materials of not less than 16 mesh to the inch or equivalent. An exception to this provision may be made for vending machines currently in use until such time as the machines are relocated or removed from present machine location for any other purposes.

(Added by Stats. 1961, Ch. 633.)

28673. In all new machines in which a condenser unit is an integral part of the machine, such unit shall be sealed from the product and container storage spaces.

(Added by Stats. 1961, Ch. 633.)

28674. Unless the vending machine is sealed to the floor so as to prevent seepage underneath or can be manually moved with ease, one or more of the following provisions shall be utilized to facilitate cleaning operation:

(a) The machine shall be mounted on legs at least six inches in height.

(b) The machine shall be mounted on casters or rollers.

(c) The machine shall be mounted on gliders which permit it to be easily moved.

(Added by Stats. 1961, Ch. 633.)

28675. All service connections through an exterior wall of the machine, including water, gas, electrical, and refrigeration connections, shall be grommeted or sealed to prevent the entrance of insects or rodents. All connections to such utilities shall be such as to discourage their unauthorized or unintentional disconnection.

(Added by Stats. 1961, Ch. 633.)

28676. All interior surfaces and component parts of the vending machines shall be so designed and constructed as to permit easy cleaning and shall be kept clean. All product contact surfaces of the machine shall be of smooth, nontoxic, corrosion resistant, and nonabsorbent material, shall be capable of withstanding repeated cleaning and bactericidal treatment by normal procedures, and shall be protected against contamination.

(Added by Stats. 1961, Ch. 633.)

28677. Water used in vending machines shall be from a source approved by the local health officer and shall be of a safe sanitary quality.

(Added by Stats. 1961, Ch. 633.)

28678. All vending machines which dispense carbonated beverages and which are connected to a water supply system shall be equipped with two check valves or a double check valve, an air gap, a device to vent carbon dioxide to the atmosphere, or any other device approved by the local health officer, which will provide positive protection against the entrance of carbon dioxide or carbonated water into the water supply system.

Where check valves are used for the protection of a water supply system, a screen of not less than 100 mesh to the inch shall be installed in the water supply line immediately upstream from the check valves.

(Added by Stats. 1961, Ch. 633.)

28679. In all vending machines which dispense carbonated beverages and which are connected to a water supply system, the ingredient water contact surfaces from the check valves or other protective device downstream, including the device itself, shall be of such material as to preclude the production of toxic substances which might result from interaction of carbon dioxide or carbonated water.

(Added by Stats. 1961, Ch. 633.)

28680. The vending machine operator shall maintain a suitable container for refuse. He shall be responsible for sanitation of the environs of the place of operation unless operating on private property where adequate sanitary maintenance is provided by the property owner or manager.

(Added by Stats. 1961, Ch. 633.)

28681. Containers shall be provided within all machines dispensing liquid products in bulk for the collection of drip, spillage, overflow, or other liquid wastes.

An automatic shutoff device shall be provided which will place the vending machine out of operation before such containers overflow. Containers or surfaces on which such wastes may accumulate shall be readily removable for cleaning, shall be easily cleanable, and shall be kept clean. They shall be corrosive resistant. If liquid wastes from drip, spillage, or overflow, which originate within the machine, are discharged into a sewage system, the connection to the sewer shall be through an air gap.

(Added by Stats. 1961, Ch. 633.)

28682. Foods, beverages, or ingredients while in transit to vending machine locations shall be protected from the elements, dirt, dust, insects, rodents, and other contamination. Similar protection shall be provided for single-service containers, and for the product contact surfaces of equipment, containers, and devices in transit to machine locations.

(Added by Stats. 1961, Ch. 633.)

Article 6. Health Requisites for Restaurants, Itinerant Restaurants, Vehicles, and Vending Machines
(Article 6 added by Stats. 1961, Ch. 633)

28686. All employees preparing, serving, or handling food shall wear clean, washable outer garments or other clean uniforms and shall keep their hands clean at all times while engaged in handling food, beverage, or utensils. All such food handlers shall wash their hands and arms with soap or detergent and warm water before commencing work after using toilet facilities, and before returning to work, and at such other times as are necessary to prevent contamination of food.

Female employees shall wear hairnets, caps, headbands, or other suitable coverings which confine the hair. Wherever practical, employees serving food shall use tongs or other implements rather than their hands. The use of tobacco in any form by any employee while handling or serving food, beverage, or utensils is prohibited. No employee or other person shall use tobacco in any form in any room or space used primarily for the preparation of food, and the employer shall post and maintain "No Smoking" signs in such rooms or places.

(Added by Stats. 1961, Ch. 633.)

28687. No person shall be employed in a restaurant, itinerant restaurant, vehicle, or in connection with a vending machine, who, in the opinion of the local health officer, is affected with, or a carrier of, any disease in a stage which is likely to be communicable to persons exposed as a result of the affected employee's normal duties as a food handler.

(Added by Stats. 1961, Ch. 633.)

28688. When information as to the possibility of disease transmission is presented to the local health officer, he shall investigate conditions and take appropriate action. The health officer may, after investigation and for reasonable cause, require any or all of the following measures:

(a) The immediate exclusion of such employee or owner from the restaurant, itinerant restaurant, vehicle, or affected vending machine operation, by the health officer.

(b) The immediate closing of the restaurant, itinerant restaurant, vehicle, or affected vending machine operation, until no further danger of disease outbreak exists in the opinion of the health officer.

(c) Adequate medical examination of the owner, employee, and his coemployees, with such laboratory examination as may be indicated; or should such examination or examinations be refused, then the immediate exclusion of the refusing owner, employee, or coemployee from that or any other restaurant, itinerant restaurant, vehicle, or affected vending machine operation, until an adequate medical or laboratory examination shows that he is not affected with or a carrier of any disease in a communicable form.

(Added by Stats. 1961, Ch. 633.)

Article 7. Enforcement and Inspection**(Article 7 added by Stats. 1961, Ch. 633)**

28690. The director, agents, or sanitarians appointed by the director, and all local health officers, sanitarians, and duly authorized agents thereof, are charged with the enforcement of the provisions of this chapter.

(Added by Stats. 1961, Ch. 633.)

28691. The director, sanitarians and agents appointed by the director, and local health officers, sanitarians, and duly authorized agents thereof, may at all reasonable times enter or inspect any restaurant, itinerant restaurant, vehicle, or vending machine, or any operation suspected of being such, for the purpose of carrying out the provisions of this chapter.

If a written report of the inspection is made, a copy shall be supplied or mailed to the operator, manager, or owner of the establishment, vehicle, or vending machine.

(Added by Stats. 1961, Ch. 633.)

28692. Any person who violates any provision of this chapter is guilty of a misdemeanor. Each offense shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

The owner, manager, or operator of any restaurant, itinerant restaurant, vehicle, or vending machine is responsible for any violation of any provision of this chapter.

(Added by Stats. 1961, Ch. 633.)

28693. The provisions of this chapter shall not prevent any city, county, or city and county from adopting standards of sanitation, health and hygiene for restaurants, itinerant restaurants, vehicles, vending machines, or other food or beverage serving enterprises or establishments more strict than those contained in this chapter, and requiring a local health permit to maintain and conduct any restaurant, itinerant restaurant, vehicle, vending machine, or other food or beverage serving enterprise or establishment within such city, county, or city and county.

Whenever the enforcement of the minimum requirements of this chapter by any organized local health service is satisfactory to the state department, the enforcement of the provisions of this chapter shall not be duplicated by the state department. The state department may investigate to determine satisfactory enforcement of this chapter by the local authorities.

(Added by Stats. 1961, Ch. 633; amended by Stats. 1962 (1st Ex. Sess.), Ch. 27.)

28694. The state department may adopt and enforce rules and regulations for the execution of its duties under this chapter.

(Added by Stats. 1961, Ch. 633.)

28695. Dining cars and other railroad rolling equipment, and commissaries serving only airlines, which are subject to

the United States Public Health Service inspection, are not subject to the provisions of this chapter.

(Added by Stats. 1961, Ch. 633.)

28696. The provisions of this chapter shall be printed and made available to restaurant, itinerant restaurant, vehicle, and vending machine owners by the state department.

(Added by Stats. 1961, Ch. 633.)

CHAPTER 12. FROZEN FOODS

(Chapter 12 added by Stats. 1951, Ch. 1594)

28700. When used in this chapter, unless the context otherwise requires:

(a) "Food" means any article used by man for food, drink, confectionery or condiment, or which enters into the composition thereof, whether simple, blended, mixed or compounded.

(b) "Locker" means the individual sections or compartments of a capacity of not to exceed 25 cubic feet in the locker room of a frozen food locker plant.

(c) "Frozen food locker plant" means an establishment in which space in such individual lockers is rented, leased or loaned to individuals, firms or corporations, for the storage of food for their own use and which is artificially cooled for the purpose of preserving such food. The term includes service locker plant, storage locker plant and branch locker plant.

(d) "Service locker plant" means a frozen food locker plant in which patrons' foods are prepared or packaged by the operator of such plant before such foods are placed in the lockers for storage.

(e) "Storage locker plant" means a frozen food locker plant, the operator of which does not prepare or package the foods of patrons.

(f) "Branch locker plant" means a frozen food locker plant in any location or establishment artificially cooled in which space in individual lockers are rented, leased or loaned to individuals, firms or corporations for the storage of food for their own use after preparation for storage in a central or parent plant.

(g) "Frozen" means food frozen in a room or compartment in which the temperature is plus 5 degrees F. or lower.

(h) "Temperature" means the average air temperature in refrigerated rooms.

(i) "Department" means the State Department of Public Health.

(j) "Operator" means any person, firm or corporation operating or maintaining a frozen food locker plant.

(k) "Processor" means an establishment in which, for compensation directly or indirectly, meat or meat products are cut, wrapped, or frozen to be delivered for frozen storage by the ultimate consumer.

(Added by Stats. 1951, Ch. 1594; amended by Stats. 1959, Ch. 1625, and by Stats. 1961, Ch. 1868.)

NOTE: Stats. 1951, Ch. 1594 also contained the following provisions:

SEC. 2. If any clause, sentence, paragraph, section or part of this act shall for any reason be adjudged or decreed to be invalid by any court of competent jurisdiction, such judgment or decree shall not affect, impair, nor invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof, directly involved in the controversy in which said judgment or decree shall have been rendered.

28701. No person hereafter shall engage within this State in the business of operating any frozen food locker plant without having applied for or obtained from the director of the department a license for each such place of business. Applications for such license shall be made in writing to the director of the department, on such forms and with such pertinent information as he may deem necessary. Such licenses shall be granted promptly as a matter of right unless conditions exist which are ground for denial of a license, as hereinafter set forth.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28702. The annual license fee for a frozen food locker plant shall be twenty-five dollars (\$25). Such fees shall be paid into the General Fund.

(Added by Stats. 1951, Ch. 1594; amended by Stats. 1959, Ch. 1625. See note following Section 28700. Amended by Stats. 1961, Ch. 1868.)

28703. Upon receipt of the application for a license accompanied by the required fee, the department shall promptly inspect the plant to be licensed and shall issue such license; provided, such plant, its equipment, facilities and its surrounding premises and its operations comply with the provisions of this chapter and rules and regulations pertaining to this chapter. The department shall inspect all frozen food locker plants licensed under this chapter, whenever the department considers such inspection necessary. The department and its representatives shall have access to such plants at all reasonable times for the purpose of making inspections.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28704. The license issued hereunder shall be in such form as the department shall prescribe and shall be under the seal of the department and shall set forth the name of the licensee, the location for which the license is issued, the period of the license and such other information as the department may determine. Licenses shall be for a term of one calendar year and shall be renewed annually. The license is nontransferable. The original license or a certified copy thereof shall be conspicuously displayed by the licensee in the locker plant for which the license is issued.

(Added by Stats. 1951, Ch. 1594; amended by Stats. 1957, Ch. 353.)

28705. The floors, walls and ceilings of frozen food locker plants shall be of such construction and finish that they can be conveniently maintained in a clean and sanitary condition. The lockers in any plant shall be so constructed as to protect the

contents from contamination, deterioration or injury. Lockers with perforated bottoms shall be provided with a suitable unperforated liner or tray.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28706. Any frozen food locker plant using a toxic gas refrigerant shall have at least one gas mask of a type approved by the department and shall keep the same where it will be readily accessible.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28707. All rooms of a frozen food locker plant shall at all times be maintained in a clean and sanitary condition. All equipment and utensils shall be cleaned when put into use and shall be thoroughly cleaned after each day's use and shall be so stored or protected as not to become contaminated. Lockers shall be thoroughly cleaned before they are leased or put into the possession of any patron. The premises and surroundings of such plants shall be maintained in a clean and sanitary condition. The food stored shall be protected from filth, flies, dust, dirt, insects, vermin and any other contamination and from any unclean or filthy practice in the handling thereof or caring therefor. No food shall be stored in such condition or in such manner as to cause injury to or deterioration of articles of food in adjacent lockers.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28708. Frozen food locker plants shall have an ample water supply readily available and the water that comes in contact with any food product or the equipment shall be uncontaminated. Such plants shall be provided with adequate toilet facilities so located as to be readily accessible to employees and equipped with adequate washing fixtures or have such fixtures or facilities convenient thereto and shall be supplied with running water, single soap and single towel service. The doors of all toilet rooms shall be full length and self-closing and no toilet room shall open directly into any room in which foods are prepared, processed, chilled, frozen or stored. Toilet facilities and rooms shall be kept in a clean and sanitary condition.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28709. The director shall publish and declare such reasonable rules and regulations as are consistent with the enforcement of the provisions of this chapter providing for adequate cleanliness and sanitation to protect public health.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28710. The refrigeration system for a frozen food locker plant shall be equipped with reliable controls for the maintenance of uniform temperatures as required in the various refrigerated rooms and shall be of adequate capacity to provide under extreme conditions of outside temperature and

activity of the plant, the following temperatures in the several rooms, respectively:

(a) In pre-cool, chill, or aging rooms, temperatures shall be commensurate with good commercial practice.

(b) In locker rooms, temperature shall not exceed plus five (5) degrees Fahrenheit, with customary commercial variations.

The foregoing temperatures shall not be construed as prohibiting such variations therefrom as may occur during short periods of time incidental to operating conditions beyond the control of the operator.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28710.5. Prior to the delivery to the consumer, all meat or meat products shall be sharp frozen at a temperature of minus 10 degrees Fahrenheit in still air or zero degrees Fahrenheit in blast air. This section shall not apply to the sale of retail cuts of meat.

(Added by Stats. 1959, Ch. 1625.)

28711. Thermometers in good order shall be provided in all rooms held under low temperature at locations therein which will reflect true storage temperatures of foods in such rooms.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28712. No frozen food locker plant shall be licensed under this chapter unless the following facilities are provided:

Sufficient chill or aging room space, freezing facilities, locker room, and facilities for cutting, preparing, wrapping and packaging meats and meat products, except that storage locker plants and branch locker plants need install only locker room facilities as specified in Section 28710.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28713. A branch plant may be operated only in conjunction with a parent locker plant which shall have processing facilities sufficiently large for the locker plant and all branch plants.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28714. (Added by Stats. 1951, Ch. 1594; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

28715. Storage of fish and game by patrons shall comply with federal and state fish and game laws. All pertinent abstracts of state and federal fish and game regulations shall be furnished by the department and shall be conspicuously displayed in the locker plant.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28716. Every operator of a frozen food locker plant shall keep a record showing names and addresses of renters of lockers and such records shall be available for examination by the Director of the Department of Agriculture or his repre-

sentatives, or the State Department of Public Health or its representatives, during business hours of such plants.

(Added by Stats. 1951, Ch. 1594; amended by Stats. 1955, Ch. 709. See note following Section 28700.)

28717. Only food for human consumption, or clean, sanitary byproducts therefrom to be used for food, shall be stored in the frozen food locker plant. Each package of food wrapped and frozen for storage shall be labeled designating the product and identifying the processor.

(Added by Stats. 1951, Ch. 1594; amended by Stats. 1959, Ch. 1625. See note following Section 28700.)

28718. The person owning or operating a frozen food locker plant shall have a lien upon all property therein for all charges due from the owner of such property. Such lien may be secured and enforced in the same manner as warehousemen's liens are secured and enforced.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28719. Operators of frozen food locker plants operating solely as such shall not be construed to be warehousemen or public utilities, nor shall receipts or other instruments issued by such persons in the ordinary conduct of their locker business be construed to be warehouse receipts or subject to the laws applicable thereto.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28720. Cold storage or refrigerating warehouses subject to Chapter 5 of this division shall be exempt from the licensing provisions of this chapter.

(Added by Stats. 1951, Ch. 1594; amended by Stats. 1955, Ch. 709. See note following Section 28700.)

28720.5. The licensing provisions of this chapter shall not apply to retail premises in which individual frozen food lockers are not rented, leased, loaned or otherwise furnished to individuals, firms or corporations, or processors.

(Added by Stats. 1961, Ch. 1868.)

28721. The department, after notice and hearing, may revoke the license issued for any frozen food locker plant for failure to comply with the provisions of this chapter. The proceedings under this section shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28722. In the event the director suspends or revokes any license, the licensee may obtain judicial review of such order by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure in the superior court of the county in which the licensed premises are located within thirty (30) days from the date notice in writing of the director's

order revoking or suspending such license has been served upon said licensee.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28723. The liability of the owner or operator of lockers for loss of goods in lockers or in the owner's or operator's care shall be limited to negligence of the owner or operator or his employee.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28724. Upon the signed petition of at least 25 owners or operators of frozen food locker plants licensed under this chapter, the director shall within 10 days after receipt of said petition, cause to be held at such places and at such times as he may provide, a public hearing for the purpose of gathering facts and data for the revision, correction or amendment of any rule or regulation issued pertaining to this chapter.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28725. This act shall be known as the "Frozen Food Locker Plant Act of 1951."

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28726. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

(Added by Stats. 1955, Ch. 709.)

CHAPTER 13. CALIFORNIA HAZARDOUS SUBSTANCES LABELING ACT

(Chapter 13 added by Stats. 1961, Ch. 302. Operative January 1, 1962)

Article 1. Definitions and General Provisions

(Article 1 added by Stats. 1961, Ch. 302. Operative January 1, 1962)

28740. This chapter shall be known as the California Hazardous Substances Labeling Act.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28741. Unless the provisions or the context otherwise requires, these definitions, rules of construction, and general provisions shall govern the construction of this chapter.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28742. "Department" means the State Department of Public Health.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28743. "Hazardous substance" means any of the following substances or mixture of substances:

(a) Any substance or mixture of substances which (1) is toxic, (2) is corrosive, (3) is an irritant, (4) is a strong sensi-

tizer, (5) is flammable, or (6) generates pressure through decomposition, heat, or other means; if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any reasonably foreseeable handling or use, including reasonably foreseeable contact, ingesting, or inhalation, by children.

(b) Any substances which the department by regulation finds meet the requirements of subdivision (a) of this section.

(c) Any radioactive substance, if, with respect to such substance as used in a particular class of article or as packaged, the department determines by regulation that the substance is sufficiently hazardous to require labeling in accordance with this chapter in order to protect the public health.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28744. The term "hazardous substance" shall not apply to any of the following:

(a) Foods, drugs, or cosmetics subject to the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040) or Chapter 2 (commencing at Section 26200) or Chapter 3 (commencing at Section 26450) of this division.

(b) Poisons as defined in Article 7 (commencing at Section 4160), Chapter 9, Division 2 of the Business and Professions Code.

(c) Substances intended for use as fuels when stored in containers and used in the heating, cooking, or refrigeration system of a house.

(d) Source material, special nuclear material, or byproduct material, as defined in the Atomic Energy Act of 1954 (68 Stat. 919), as amended, and regulations issued pursuant thereto by the Atomic Energy Commission.

(e) Fertilizing materials regulated by Article 2 (commencing with Section 1021), Chapter 7, Division 5 of the Agricultural Code.

(f) Livestock remedies regulated by Chapter 7b (commencing with Section 1095), Division 5 of the Agricultural Code.

(g) Economic poisons regulated by Article 3 (commencing with Section 1061) of Chapter 7, Division 5, of the Agricultural Code, or commercial feeding stuffs regulated by Chapter 7a (commencing with Section 1081), Division 5, of the Agricultural Code.

(h) Economic poisons subject to the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163).

(i) Injurious substances as defined and regulated by Article 85 (commencing with Section 4201), Group 9, Subchapter 7, Chapter 4, Title 8, California Administrative Code.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28745. The term "toxic" shall apply to any substance, other than a radioactive substance, which has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through any body surface.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28746. "Highly toxic" means any substance which falls within any of the following categories:

(a) Produces death within 14 days in half or more than half of a group of 10 or more laboratory white rats each weighing between 200 and 300 grams, at a single dose of 50 milligrams or less per kilogram of body weight, when orally administered.

(b) Produces death within 14 days in half or more than half of a group of 10 or more laboratory white rats each weighing between 200 and 300 grams, when inhaled continuously for a period of one hour or less at an atmospheric concentration of 200 parts per million by volume or less of gas or vapor or two milligrams per liter by volume or less of mist or dust, provided such concentration is likely to be encountered by man when the substance is used in any reasonably foreseeable manner.

(c) Produces death within 14 days in half or more than half of a group of 10 or more rabbits tested in a dosage of 200 milligrams or less per kilogram of body weight, when administered by continuous contact with the bare skin for 24 hours or less.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28747. If the department finds that available data on human experience with any substance indicate results different from those obtained on animals with the dosages or concentrations stated in Section 28746, the human data shall take precedence.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28748. "Corrosive" means any substance which in contact with living tissue will cause destruction of tissue by chemical action; but shall not refer to action on inanimate surfaces.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28749. "Irritant" means any substance not corrosive within the meaning of Section 28748 which on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28750. "Strong sensitizer" means a substance which will cause on normal living tissue through an allergic or photodynamic process a hypersensitivity which becomes evident on reapplication of the same substance and which is designated as such by the department. Before designating any substance as a strong sensitizer, the department, upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28751. The term "extremely flammable" shall apply to any substance which has a flash point at or below 20 degrees Fahrenheit, as determined by the Tagliabue open cup tester, and the term "flammable" shall apply to any substance which has a flash point of above 20 degrees to and including 80 degrees Fahrenheit, as determined by the Tagliabue open cup

tester; except that the flammability of solids and of the contents of self-pressurized containers shall be determined by methods found by the department to be generally applicable to such materials or containers, respectively, and established by regulations issued by it, which regulations shall also define the terms "flammable" and "extremely flammable" in accord with such methods.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28752. "Radioactive substance" means a substance which emits ionizing radiation.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28753. "Label" means a display of written, printed, or graphic matter upon the immediate container of any substance and a requirement made by, or pursuant to, this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears (a) on the outside container or wrapper, if any there be, unless it is easily legible through the outside container or wrapper and (b) on all accompanying literature where there are directions for use, written or otherwise.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28754. The term "immediate container" does not include package liners.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28755. "Misbranded package" or "misbranded package of a hazardous substance" means a hazardous substance in a container intended or suitable for household use or storage in the home which, except as otherwise provided by, or pursuant to Section 28775, 28778 or 28779, fails to bear a label which satisfies each of the following requirements:

(a) States conspicuously (1) the name and place of business of the manufacturer, packer, distributor, or seller; (2) the common or usual name or the chemical name, if there be no common or usual name, of the hazardous substance or of each component which contributes substantially to its hazard, unless the department by regulation permits or requires the use of a recognized generic name; (3) the signal word "DANGER" on substances which are extremely flammable, corrosive, or highly toxic; (4) the signal word "WARNING" or "CAUTION" on all other hazardous substances; (5) an affirmative statement of the principal hazard or hazards, such as "Flammable," "Vapor harmful," "Causes burns," "Absorbed through skin," or similar wording descriptive of the hazard; (6) precautionary measures describing the action to be followed or avoided, except when modified by the department pursuant to Section 28775, 28778, or 28779; (7) instructions, when necessary or appropriate, for first-aid treatment; (8) the word "Poison" for any hazardous substance which is defined as "highly toxic" by Section 28748; (9) instructions for handling and storage of packages which require special

care in handling or storage; and (10) the statement "Keep out of the reach of children," or its practical equivalent.

(b) On which any statements required pursuant to subdivision (a) of this section are printed as prescribed in Chapter 10 (commencing at Section 25900) of Division 20 of this code.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

Article 2. Prohibitions

(Article 2 added by Stats. 1961, Ch. 302. Operative January 1, 1962)

28760. The manufacture, production, preparation, compounding, packing, selling, offering for sale, or keeping for sale within the State of California, or the introduction into this State from any other state, territory, or the District of Columbia, or from any foreign country, of any package of a hazardous substance which is misbranded is prohibited.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28761. Any person who imports or receives from any other state or territory or the District of Columbia or from any foreign country, or who having so received delivers for pay or otherwise or offers to deliver to any other person, any hazardous substance which is misbranded, or any person who shall manufacture or produce, prepare or compound, or pack or sell, or offer for sale, or keep for sale in the State of California any such misbranded substance, shall be guilty of a misdemeanor punishable as provided in Section 28770.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28762. The packing, selling, offering for sale, or keeping for sale of a hazardous substance in a reused food, drug, or cosmetic container or in a container which, though not a reused container, is identifiable as a food, drug, or cosmetic container by its labeling or by other identification, is unlawful. Such an act shall result in the hazardous substance being in a misbranded package. As used in this section, the terms "drug" and "food" shall have the same meaning as in Chapter 2 (commencing with Section 26200) and in Chapter 3 (commencing with Section 26450) of this division.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28763. The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a hazardous substance is unlawful if such act results in such article being misbranded.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28764. It shall be unlawful to refuse to permit, to attempt to prevent, or to prevent the free access of any agent of the department to any factory, warehouse, or establishment in which a hazardous substance is, or is suspected of being manufactured, processed, packed, or held for introduction into commerce, or to any vehicle being used or suspected of being used to transport or hold such hazardous substance.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28765. No person shall be prosecuted under the provisions of this chapter if, after receipt of a hazardous substance, he can establish a guarantee or undertaking signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the hazardous substance, to the effect that the hazardous substance is not in misbranded packages within the meaning of that term, as defined by this chapter.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28766. If the guarantee is to the effect that such article is not misbranded within the meaning of the Federal Hazardous Substances Labeling Act (Public Law 86-813, 74 Stat. 372), it shall be sufficient for all the purposes of this chapter and have the same force and effect as though it referred to this chapter whether given by a person residing in the United States or elsewhere.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28767. The giving of a guarantee referred to in Section 28765 which is false, is prohibited, except by a person who relied upon a guarantee to the same effect signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the hazardous substance.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28768. No person shall be prosecuted under the provisions of this chapter if the hazardous substance is shipped or delivered for shipment for export to any foreign country, in a package marked for export on the outside of the shipping container and labeled in accordance with the specifications of the foreign purchaser and in accordance with the laws of the foreign country, but if such hazardous substance is sold or offered for sale in domestic commerce, this section shall not apply.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28769. The use by any person to his own advantage, or revealing other than to the department or any agent of the department or to the courts when relevant in any judicial proceeding under this chapter, of any information acquired under authority of this chapter concerning any method of process which as a trade secret is entitled to protection is prohibited.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28770. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25) or more than five hundred dollars (\$500), or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

If the violation is committed after a conviction of such person under this section has become final, such person shall be subject to imprisonment for not more than one year in the

county jail, or a fine of not more than one thousand dollars (\$1,000), or both such imprisonment and fine.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28771. Carriers shall not be subject to the provisions of this chapter by reason of their receipt, carriage, holding, or delivery of hazardous substances in the usual course of business as carriers.

As used in this section, "carrier" means a person engaged in transporting property from one place to another and who has no other interest in the ownership of the property.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

Article 3. Administration

(Article 3 added by Stats. 1961, Ch. 302. Operative January 1, 1962)

28775. The department may adopt such regulations regarding hazardous substances as it determines are necessary to adequately enforce and administer the provisions of this chapter. Any violation of such regulations shall be deemed to be a violation of this chapter.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28776. The regulations shall be adopted by the department in the manner prescribed by Chapter 4 (commencing with Section 11370), Part 1, Division 3, Title 2 of the Government Code.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28777. No regulation adopted by the department regarding any radioactive substance, except an emergency regulation, shall become effective until 30 days after it has been submitted to the Co-ordinator of Atomic Energy Development and Protection for such comments, recommendations, or suggestions as he may deem necessary or desirable with respect thereto, as provided in Section 25733 of this code.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28778. If the department finds that, because of the size of the package involved or because of the minor hazard presented by the substance contained therein, or for other good and sufficient reasons, full compliance with the labeling requirements otherwise applicable under this chapter is impracticable or is not necessary for the adequate protection of the public health and safety, the department may exempt such substance from these requirements to the extent it determines to be consistent with adequate protection of the public health and safety.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28779. The department may exempt from the requirements established by, or pursuant to, this chapter any container of a hazardous substance with respect to which it finds that adequate requirements satisfying the purposes of

this chapter have been established by, or pursuant to, any other law enacted by the Legislature.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28780. The department may appoint such agents as it may deem necessary.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28781. The department or its duly authorized agent shall have free access to all reasonable hours to any factory, warehouse, or establishment in which hazardous substances are manufactured, processed, packed, or held for introduction into commerce, or to enter any vehicle being used to transport or hold such hazardous substances, in commerce, for either of the following purposes:

(a) Inspecting such factory, warehouse, establishment, or vehicle to determine if any of the provisions of this chapter are being violated.

(b) To secure samples or specimens of any hazardous substances. If the agent obtains any sample, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained. If an analysis is made of the sample, a copy of the results of the analysis shall be furnished promptly to the owner, operator, or agent in charge.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28782. Whenever a duly authorized agent of the department finds, or has probable cause to believe, that any hazardous substance is so misbranded as to be dangerous or fraudulent, he shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, misbranded and has been detained or quarantined, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by the department or the court.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28783. Whenever the findings of the department show, after investigation and examination, that any hazardous substance found in the possession of any person is misbranded, the hazardous substance may be seized and quarantined.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28784. A hazardous substance found to be misbranded may, by order of a court or judge, or in the absence of such order, with the written consent of the owner thereof, be seized or destroyed.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28785. When an article is found to be misbranded, and is detained or quarantined under this article, the department shall commence proceedings in the name of the people of the State of California against such article in the superior court of the county or city and county in which the article is detained

or quarantined by petitioning the court for a judgment to forfeit, condemn, and destroy such article. Upon the filing of such petition, the clerk of the court shall fix a time and place for the hearing thereof, and cause notices thereof to be prepared notifying all persons who may claim an interest in the article of the time and place of the hearing. A copy of the petition and notice shall be posted for 14 days in at least three public places in the city or city and county where the court is held, and in a conspicuous place where such article is detained or quarantined. A copy of the petition and notice shall also be served upon each person in possession of the article and on each owner or claimant whose name and address is known. The service may be made by personal service or by registered mail by mailing a copy of such notice and petition by registered mail to the last known address of such person. At any time prior to the date of the hearing any person in possession of the article, or owner thereof or claimant thereto, may file an answer which may include a prayer for a judgment of release of such article or relief in accordance with Sections 28787 and 28788. At the time set for the hearing, the court shall commence to hear and determine the proceeding, but may, for good cause shown, continue the hearing to a day certain; provided, the court shall finally determine all the issues presented by the petition.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28786. If the court finds that a detained or quarantined article is misbranded, after entry of the decree such article shall be destroyed at the expense of the claimant thereof, under the supervision of the agent of the department. All court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28787. If the misbranding can be corrected by proper labeling or processing of the article, after entry of the decree and after costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled or processed, has been executed, the court may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of an agent of the department. The expense of such supervision shall be paid by the claimant.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28788. The bond shall be returned to the claimant of the article on representation to the court by the department that the article is no longer in violation of this chapter, and that the expenses of such supervision have been paid.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28789. The department shall cause to be published from time to time reports summarizing any judgments, decrees, or court orders which have been rendered under this chapter, including the nature of the charge and the disposition thereof.

The department shall also cause to be disseminated information regarding hazardous substances in situations involving, in the opinion of the department, imminent danger to health. Nothing in this section shall be construed to prohibit the department from collecting, reporting, and illustrating the results of the investigations of the department.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

28790. The department shall submit to the Governor for submission to the Legislature in January of each year in which a general session of the Legislature is held, a report of the activities of the department under this chapter during the preceding 24 months, together with any recommendations for additional legislation which it may have.

(Added by Stats. 1961, Ch. 302. Operative January 1, 1962.)

DIVISION 22. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

CHAPTER 1. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29000. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29001. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; amended by Stats. 1949, Ch. 993, by Stats. 1951, Ch. 1358, and by Stats. 1953, Ch. 773; repealed by Stats. 1955, Ch. 550.)

29002. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29003. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29003.5. (Added by Stats. 1951, Ch. 1358; repealed by Stats. 1955, Ch. 550.)

29003.6. (Added by Stats. 1951, Ch. 1358; repealed by Stats. 1955, Ch. 550.)

29004. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29005. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29006. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29007. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; amended by Stats. 1951, Ch. 1358; repealed by Stats. 1955, Ch. 550.)

29008. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29009. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29010. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29011. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29012. (Added by Stats. 1949, Ch. 993; amended by Stats. 1951, Ch. 1358; repealed by Stats. 1955, Ch. 550.)

29013. (Added by Stats. 1949, Ch. 993; amended by Stats. 1953, Ch. 773; repealed by Stats. 1955, Ch. 550.)

29014. (Added by Stats. 1949, Ch. 993; amended by Stats. 1951, Ch. 1358, and by Stats. 1953, Ch. 773; repealed by Stats. 1955, Ch. 550.)

29015. (Added by Stats. 1951, Ch. 1201; repealed by Stats. 1955, Ch. 550.)

29015.1. (Added by Stats. 1951, Ch. 1358; amended by Stats. 1953, Ch. 773; repealed by Stats. 1955, Ch. 550.)

CHAPTER 2. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29020. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; amended by Stats. 1949, Ch. 993, and by Stats. 1951, Ch. 1358; repealed by Stats. 1955, Ch. 550.)

29021. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; amended by Stats. 1951, Ch. 1358; repealed by Stats. 1955, Ch. 550.)

29022. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; amended by Stats. 1947, Ch. 648, by Stats. 1949, Ch. 993, and by Stats. 1953, Ch. 773; repealed by Stats. 1955, Ch. 550.)

29023. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; amended by Stats. 1949, Ch. 993; repealed by Stats. 1955, Ch. 550.)

29024. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29025. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29026. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; amended by Stats. 1949, Ch. 993, and by Stats. 1951, Ch. 1368; repealed by Stats. 1955, Ch. 550.)

29027. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29028. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29029. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29030. (Added by Stats. 1947, Ch. 648; repealed by Stats. 1955, Ch. 550.)

29031. (Added by Stats. 1947, Ch. 648; amended by Stats. 1949, Ch. 993; repealed by Stats. 1955, Ch. 550.)

29040. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29041. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29042. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29043. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

DIVISION 23. HOSPITAL DISTRICTS

(Division 23 added by Stats. 1945, Ch. 932)

NOTE: Stats. 1947, Ch. 18, which amended, repealed and added various sections of this division, also contained this section:

SEC. 16. (a) All local hospital districts heretofore organized and functioning under, or under color of The Local Hospital District Law, are hereby declared to have been legally organized and to be legally functioning as such districts. Every such district shall have all the rights, powers and privileges and be subject to all the duties and obligations of such a district regularly formed pursuant to law.

(b) The boundaries of every local hospital district as heretofore established, defined or recorded are hereby confirmed, validated and declared legally established.

(c) All acts and proceedings heretofore taken by any local hospital district under any law, or under color of any law, for the issuance or sale of bonds of such district for any public purpose are hereby confirmed, validated and declared legally effective. This shall include all acts and proceedings heretofore done or taken in connection with any election upon the question of the issuance, sale or exchange of such bonds. All such bonds heretofore issued, or heretofore authorized to be issued, when hereafter issued in substantially the form contemplated in such authorization shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the district.

(d) This section shall be limited to the correction of defects, irregularities and ministerial errors in complying with statutory requirements which the Legislature originally could have omitted from the law under which such acts or proceedings were taken.

(e) This section shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

CHAPTER 1. FORMATION OF DISTRICT

(Chapter 1 added by Stats. 1945, Ch. 932)

32000. This division shall be known and may be cited as "The Local Hospital District Law."

(Added by Stats. 1945, Ch. 932.)

32001. A local hospital district may be organized, incorporated and managed, may annex or exclude territory, or consolidate with other such districts or may be dissolved, as provided in this division and may exercise the powers herein granted or necessarily implied. Such a district may include incorporated or unincorporated territory, or both, or territory in any one or more counties. The territory comprising this district need not be contiguous but the territory of a municipal corporation shall not be divided; provided, that land either in a municipal corporation or in unincorporated territory which the supervising authority finds will not be benefited shall not be included.

Where territory has been excluded from a local hospital district by a supervising authority or by a governing body, it shall not thereafter, in the absence of a finding based upon substantial evidence of changed conditions with respect thereto, be included or annexed.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1947, Ch. 430, by Stats. 1949, Ch. 1075, by Stats. 1953, Ch. 567, and by Stats. 1955, Ch. 1525.)

32002. The manner of formation of local hospital districts, the conducting of elections, the annexation and exclusion of territory and the consolidation and dissolution of such districts unless otherwise provided herein shall be as in the manner provided by Chapter 1, Title 6 of the Government Code. All of the provisions of said chapter are hereby incorporated in this division by reference and shall have the same effect and force as if fully set forth herein. For the purposes of said chapter, the requisite number of petitioners or protestants in a proceeding for the exclusion of territory from the district shall be, unless otherwise prescribed in this division, 15 percent of the total number of registered voters in the territory affected by the petition or proposal but not less than 15, such number to be determined by the clerk as of the date that he affixes his certification to the petition. In addition to all other requirements regarding formation of hospital districts, no hearing upon the petition to form a hospital district shall be held until there shall have been filed with the supervising authority a certificate from the State Department of Public Health stating its findings in accordance with the standards established for allocated funds under the California Hospital Survey and Construction Act, upon the following facts:

(a) The need for hospital beds in the hospital service area to be served.

(b) The fulfillment of needs in the service area based upon hospital beds in existence or under construction.

(c) Upon request of the supervising authority the State Department of Public Health shall furnish its findings regarding (a) and (b).

(Added by Stats. 1945, Ch. 932; amended by Stats. 1949, Ch. 1209, by Stats. 1953, Ch. 567, and by Stats. 1955, Ch. 1568.)

32002.1. Not less than 30 days prior to the time of any district election, the governing body of the district shall, by resolution entered on its minutes:

(a) State the time of the election, the hours during which the polls will be open, and the purpose for which the election is held.

(b) Prescribe the manner of voting and the form of ballot to be used.

(c) Designate a polling place for each precinct and appoint for each precinct an election board consisting of at least one

inspector, one judge and two clerks, selected from the electors of the district.

(d) Order the secretary to mail notice of appointment to each election officer, and notice of polling place and sample ballot to each qualified elector of the district.

(Added by Stats. 1949, Ch. 1209; amended by Stats. 1953, Ch. 750.)

32002.2. (Added by Stats. 1949, Ch. 1209; amended by Stats. 1951, Ch. 756; repealed by Stats. 1953, Ch. 750.)

32002.3. Except as otherwise provided in this division, notice of all district elections shall be given by publishing the notice calling the election not less than once a week for two successive weeks before the election in a newspaper published in the district, if there is one, but, if none, then in a newspaper published in the county. Said notice need only specify the time and place of the election, the hours during which the polls will be open, and the officers to be elected and the propositions to be voted upon.

(Added by Stats. 1949, Ch. 1209; amended by Stats. 1957, Ch. 634.)

32002.4. No notice of the election, other than the notice prescribed in Section 32002.3, need be given and Section 58171 of the Government Code shall not apply to hospital district elections.

(Added by Stats. 1953, Ch. 750.)

32002.5. Notwithstanding the provisions of Section 54902 of the Government Code, local hospital districts formed under this division may file the statement and map or plat required by Section 54902 of the Government Code on or before March 1, 1957, for the Fiscal Year 1957-1958.

(Added by Stats. 1957, Ch. 5. In effect January 31, 1957.)

32003. Whenever the formation of a local hospital district is desired, a petition may be presented at a regular meeting of the supervising authority of the county in which the land, or a greater portion of the land, in the proposed district is situated, said petition to be signed by the registered voters residing within the boundaries of the proposed district, equal in number to at least 12 percent of the voters registered within the boundaries of the proposed district 30 days prior to the date the petition is filed. The number of written protests required to terminate the proceedings shall be a majority of the registered voters residing in the proposed district.

If a majority of all the votes cast in the proposed district are in favor of organization, the supervising authority by resolution entered on its minutes shall declare the district duly organized under this act, shall give the name of the district as theretofore designated and shall describe the boundaries of such district. The county whose supervising authority declares the district organized shall be designated the "organizing county."

(Added by Stats. 1945, Ch. 932; amended by Stats. 1947, Ch. 18, and by Stats. 1963, Ch. 1232.)

32004. A petition for annexation of land to a local hospital district shall be signed by registered voters residing within the territory proposed for annexation, equal in number to at least 12 percent of the voters registered within the boundaries of the territory proposed for annexation 30 days prior to the date the petition is filed. If upon the hearing held upon the petition, the governing body subject to the provisions of Section 32001 of this code deems it for the best interest of the district that said territory, or part thereof, be annexed, it shall call and hold an election within the territory or area proposed to be annexed, as the boundaries thereof are described in a resolution of the board of directors of such district adopted at the termination of such hearing, to decide whether or not the proposed annexation shall take place. If a majority of the votes cast at such election, in said territory, be in favor of annexation, the district governing body may by resolution declare the territory annexed and shall describe the altered boundaries of the district; or such district governing body may, by resolution, order and call an election within the district to submit to the electors thereof the question of the annexation of the territory proposed to be annexed to such district.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1949, Ch. 1322, by Stats. 1955, Ch. 1525, and by Stats. 1963, Ch. 1232.)

32004.1. As an alternative procedure to that prescribed in Section 32004, territory may be annexed without an election in the territory proposed to be annexed when the required petition has been signed by owners of the real property in the territory proposed to be annexed representing at least 60 percent of the total assessed valuation of the territory as shown by the last equalized county assessment roll and at least 60 percent of the number of parcels of land within the territory. The petition shall in addition to the matters required by Section 32004 show the amount of real property owned by each of the petitioners and its assessed valuation as shown by the last equalized county assessment roll.

(Added by Stats. 1949, Ch. 1209.)

32004.3. Upon filing of the petition for annexation, the governing body shall fix a time and place for the hearing thereof and shall cause a notice to be published, containing

- (a) The date of filing of the petition.
- (b) The number of signers to the petition.
- (c) A description of the location or boundaries of land described in the petition.
- (d) The prayer of the petition.
- (e) The time and place fixed for the hearing thereof.
- (f) Statements to the effect that all persons interested in or affected by such change in the boundaries of the district may appear and show cause why such change should not be made and written requests for not including all or any portion of the territory proposed to be annexed will be heard and considered.

The notice shall be published pursuant to Section 6066 of the Government Code prior to the date set for the hearing in a newspaper of general circulation published in the district; and, if there is no such newspaper in the district, then, in such a newspaper in the county.

(Added by Stats. 1949, Ch. 1209; amended by Stats. 1955, Ch. 1525, and by Stats. 1957, Ch. 357.)

32004.4. If upon the hearing of the petition the governing body of the district determines subject to the provisions of Section 32001 of this code that the best interest of the district will be served by annexing such territory, or part thereof, and if no protest as hereinafter provided is made against such annexation, the governing body may annex the territory described in the petition, or any portion thereof without an election in the district. If protests to the annexation are made to the governing body by registered voters residing within the district equal in number to at least 5 percent of the number of votes cast in the district for the Office of Governor at the last preceding election at which a Governor was elected or if protests to the annexation are made by a similar percentage of the number of votes cast in the area proposed to be annexed for the Office of Governor at the last preceding election at which a Governor was elected, or in the event the governing board determines that the best interests of the district will be served by holding an election, in either the district or in the territory proposed to be annexed or in both, such election shall be called and held within the district or in the territory proposed to be annexed or in both, to decide whether or not such proposed annexation to the district shall take place. If such an election is required, the annexation may be completed only if a majority of the votes cast within the area in which the election is held are in favor of annexation.

(Added by Stats. 1949, Ch. 1209; amended by Stats. 1955, Ch. 1525.)

32004.5. Upon the final hearing of the petition, the governing board of the district shall fix the boundaries of the territory proposed to be annexed and the time, not less than sixty days from date of the order, for holding any election that may be required.

(Added by Stats. 1949, Ch. 1209.)

32004.6. If a majority of votes cast within the area in which the election is held, and in both the district and the territory proposed to be annexed if an election is held in both areas, are in favor of annexation, or, if no election is required and the governing body determines subject to the provisions of Section 32001 of this code that such annexation is for the best interests of the district, it shall, by resolution entered in its minutes, declare the territory annexed and shall describe the altered boundaries of the district. A certified copy thereof shall be recorded in the office of the county recorder, and filed

with the county assessor, county engineer, the State Board of Equalization and the Secretary of State.

(Added by Stats. 1949, Ch. 1209; amended by Stats. 1955, Ch. 1525, and by Stats. 1959, Ch. 504.)

32004.7. A petition for exclusion of land from any local hospital district shall be signed by registered voters residing within the territory proposed to be excluded, equal in number to at least 15 percent of the number of votes cast in that territory for the Office of Governor at the last preceding election at which a Governor was elected, but not fewer than 200; provided, however, that no land shall be excluded hereunder from a district if the exclusion would result in (a) the reduction of the assessed valuation of all property in the district below the assessed valuation of all of the property in the district at the time of its formation or, if a hospital has been constructed by the district, at the date patients are first treated therein, or (b) the reduction of the population of the district below the population of the district at the time of its formation or, if a hospital has been constructed by the district, at the date patients have been first treated therein. The population estimate shall be determined on the same basis as the estimate prepared for the State Department of Public Health for hospital service areas. If upon the hearing held upon the petition the governing body determines that the petition is sufficient, that the residents of the area will not be substantially benefited by the operations of the district, and that the exclusion is for the best interests of the district, it shall by resolution declare the territory excluded and shall describe the altered boundaries of the district. If, however, the governing body determines that the petition is sufficient, but that the residents of the area will be benefited by the operations of the district or that the exclusion is not for the best interest of the district, it shall call and hold an election within the territory or area proposed to be excluded, as the boundaries thereof are described in a resolution of the board of directors of such district adopted at the termination of such hearing, to decide whether or not the proposed exclusion shall take place. If a majority of the votes cast at such election, in said territory, be in favor of exclusion, the district governing body shall by resolution declare the territory excluded and shall describe the altered boundaries of the district.

(Added by Stats. 1955, Ch. 441.)

32004.8. The hearing, notice, election, fixing of boundaries, declaration of exclusion by resolution, and recording and filing of the resolution, unless otherwise provided in Section 32004.7, shall be as in the manner provided by Sections 32004.3, 32004.4, 32004.5, and 32004.6 relating to annexation of territory.

(Added by Stats. 1955, Ch. 441; amended by Stats. 1957, Ch. 660, and by Stats. 1959, Ch. 504.)

32004.9. Any area excluded from a district shall be subject to assessment and be otherwise chargeable for the payment and

discharge of all of the obligations outstanding at the time of the filing of the petition for the exclusion of the area as fully as though the area had not been excluded. All provisions which could be used to compel the payment by an excluded area of its portion of the outstanding obligations had the exclusion not occurred may be used to compel the payment on the part of the area of the portion of the outstanding obligations of the district for which it is liable.

(Added by Stats. 1955, Ch. 441.)

32004.91. An excluded area is not subject to assessment or otherwise chargeable for any obligation of any nature or kind incurred after the filing with the governing body of the district of the petition for the exclusion of the area from the district.

(Added by Stats. 1955, Ch. 441.)

32004.92. The exclusion procedures provided by Section 32004.7 through Section 32004.91 are in the alternative to the exclusion procedures contained in Section 32002 and Chapter 5 of this division.

(Added by Stats. 1955, Ch. 441.)

32005. Upon the filing of a petition with the board of hospital directors signed by 10 percent of the qualified electors in the district, the board of hospital directors shall submit the question of dissolution of the district to the district electors; provided, the following conditions exist:

- (a) The district has been organized for at least two years.
- (b) The district has no hospital or bonded debt.
- (c) Two succeeding district bond issues, next preceding submission of the question of the district's dissolution to the voters, were defeated at elections.

(Added by Stats. 1953, Ch. 531.)

32005.5. The board of hospital directors may by resolution adopted by a four-fifths vote, and without an election, dissolve the district, notwithstanding the provisions of Section 32005, if the following conditions exist:

- (a) The district has been organized at least five years.
- (b) The district has no hospital, no bonded debt, and no property of any kind except cash.
- (c) The district board by resolution finds and determines that construction of a district hospital is unnecessary.

Pursuant to this section the district shall be dissolved for all purposes upon compliance with Section 32007.

(Added by Stats. 1959, Ch. 165.)

32006. The election shall be conducted as near as may be in the manner provided in Article 10 of Chapter 1 of Title 6 of the Government Code. If a majority of the voters favor dissolution, the board shall by resolution dissolve the district.

(Added by Stats. 1953, Ch. 531.)

32007. The board of hospital directors shall file a certified copy of the resolution with the Secretary of State and for record in the office of the county recorder of each of the coun-

ties in which any part of the district is situated. Thereupon the district is dissolved for all purposes.

(Added by Stats. 1953, Ch. 531.)

32008. The board of hospital directors is, ex officio, the governing body of any dissolved district, and it may perform all acts necessary to wind up the affairs of the district.

(Added by Stats. 1953, Ch. 531.)

32009. When a district is dissolved its board of hospital directors shall convert all property of the district to cash and discharge all indebtedness of the district. All funds remaining after discharge of the district's indebtedness shall, in the event the entire district consists of unincorporated territory, be deposited in the county treasury to the credit of the County General Fund. If the district consists entirely of incorporated territory of one city, said remaining funds shall vest absolutely in said city. If the district consists of incorporated territory of two or more cities or unincorporated territory and incorporated territory of one or more cities, said remaining funds shall be vested in the county and in the city or cities within the district, in the same proportion as their respective current total assessed valuations within the district bear to the total current assessed valuation of the entire district.

(Added by Stats. 1953, Ch. 531; amended by Stats. 1959, Ch. 164.)

32010. Any district may be dissolved pursuant to Article 10 of Chapter 1 of Title 6 of the Government Code in lieu of the procedure provided in Sections 32005 to 32009, inclusive.

(Added by Stats. 1953, Ch. 531.)

32011. Any interested person may obtain a judicial declaration as to the validity of the dissolution of a district.

(Added by Stats. 1953, Ch. 531.)

CHAPTER 2. BOARD OF DIRECTORS

(Chapter 2 added by Stats. 1945, Ch. 932)

Article 1. Election and Organization

(Article 1 added by Stats. 1945, Ch. 932)

32100. The elective officers of a local hospital district shall be a board of hospital directors consisting of five members, each of whom shall be a registered voter residing in the district and whose term shall be four years, with the exception of the first board. The first board of directors shall be appointed, upon the formation of the district, by the board of supervisors of the county in which the land or a greater part of the land in the district is situated. Upon their appointment, the first board so appointed shall so classify themselves by lot that two members thereof shall go out of office the first Tuesday in January next following the election or appointment if no election is held and qualification of their successors as herein provided, and three members will go out of office two years thereafter. Any vacancy upon said board shall be filled

by appointment by the remaining members of said board of directors. Any person appointed to fill such vacancy shall hold office for the unexpired term.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1947, Ch. 18, by Stats. 1949, Ch. 1322, and by Stats. 1959, Ch. 1095.)

32100.1. A petition for election of directors by zones may be signed and filed with the board of directors by registered voters residing within a local hospital district, equal in number to at least 15 percent of the number of votes cast in that district for the Office of Governor at the last preceding election at which a Governor was elected. Upon receipt of this petition the board of directors shall, by resolution, divide the local hospital district into five zones and number the zones consecutively from 1 to 5. In establishing these zones the board of directors shall provide for representation in accordance with population and geographic factors of the entire area of the local hospital district. The board of directors shall fix the time and place for a hearing on the proposed establishment of zones. At this hearing any elector of the district may present his views and plans in relation to the proposed zoning, but the board of directors shall not be bound thereby and their decision, in the resolution adopted, shall be final.

After the hearing and final determination by the board of directors the board shall then prepare a measure to be printed on the ballots used at the next general hospital district election, or at a special election to be held for that purpose. The measure shall be printed on the ballots substantially as follows:

“Shall members of the board of directors be elected by zones, as described in the resolution of the board of directors dated _____?”, with the words “Yes” and “No” so printed in connection therewith that the voters may express their choice.

The returns of such election shall be canvassed and declared as at other general hospital district elections, and if it appears that a majority of the votes cast in such election are in favor of said measure the board of directors shall by resolution declare the zones established and shall describe the boundaries of the zones. At the expiration of the terms of office of the members of the board of directors then in office, and thereafter, such members of the board of directors shall be elected by zones. If, at the expiration of said terms of office, three members of the board of directors are to be elected, those three members shall be elected from the zones designated by odd numbers; if two members are to be elected, those two members shall be elected from zones designated by even numbers.

One member of the board of directors shall be elected by the electors of each of the zones. No person shall be eligible to hold the office of member of the board of directors unless he shall have resided in the zone from which he is elected for 90 days next preceding the date of the election.

The formation of a local hospital district may provide for the election of members of the board of directors by zones as

above provided for by substantially including in the petition for formation the provisions hereinabove required to be included in such measure, in which event it shall not be necessary to hold the election above provided for, and the members of the board of directors shall be elected from the zones as described in said petition, except that the first board of directors shall be appointed, upon the formation of the district, by the board of supervisors of the county in which the land or a greater part of the land in the district is situated. One member shall be appointed from each zone.

The terms of the members of the first board of directors appointed under the provisions of this section shall be determined as follows:

The members appointed from the zones designated by odd numbers in the petition shall hold office for four years and the members appointed from the zones designated by even numbers in the petition shall hold office for two years. Thereafter, the term of office for all members shall be four years.

Any vacancy upon the board shall be filled by appointment by the board of supervisors of the county, from the zone left unrepresented on the board of directors. Any person appointed to fill such vacancy shall hold office only until a successor, to serve for the remainder of such unexpired term, has been elected at the next regular hospital district election and has qualified.

(Added by Stats. 1949, Ch. 1322.)

32100.3. Not less than ninety days prior to the day fixed for the hospital district general election, the secretary shall publish at least once, in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation in the county, a notice stating the date of the election and the number of offices to be filled at said election, together with a statement that nominations for said offices may be filed with him on forms to be supplied by the district not later than sixty-five days prior to the election.

(Added by Stats. 1949, Ch. 1024.)

32100.4. If, on the sixty-fifth day prior to the day fixed for the hospital district general election, only one person has been nominated for each office of member of the board of directors to be filled at that election, or no one has been nominated for such office, and if a petition signed by 5 percent of the qualified electors in the district, requesting that the hospital district general election in the district be held, has not been presented to the board of directors of the district, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county in which the district, or a greater portion thereof, is situated at a regular or special meeting held prior to the day fixed for the election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to

the office prior to the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a hospital district general election.

In such instances notices shall be posted in three public places in the district at least ten days before the date fixed for the election, which notices shall state that no election is to be held and that the board of supervisors will appoint, or has appointed, a member or members of the board of directors to serve for the ensuing term.

(Added by Stats. 1949, Ch. 1024.)

32100.5. An election which shall be known as the hospital district general election, shall be held in each local hospital district on the third Tuesday in November or on the first Tuesday after the first Monday in November in each even-numbered year, as the board of directors shall determine, at which a successor shall be chosen to each officer whose term shall expire on the first Tuesday of January following such election. If the board of directors choose to hold such election on the first Tuesday after the first Monday in November, it shall so determine by resolution and notify the board of supervisors of the county in which the district, or the greater portion thereof, is located, on or before August 1st of such year. The board of supervisors shall thereupon order the hospital district general election consolidated with the statewide general election pursuant to Chapter 4 (commencing with Section 23300), Division 12 of the Elections Code.

The person receiving the highest number of votes for each office to be filled at such election shall be elected thereto. The term of office of each elective officer of the district elected, shall be four years, or until his successor is elected and has qualified.

(Added by Stats. 1949, Ch. 1209; amended by Stats. 1953, Ch. 157, and by Stats. 1963, Ch. 1020.)

32100.6. All or any of the members of the board of directors may be recalled at any time by the voters by following the recall procedure set forth in Chapter 2 of Division 13 of the Elections Code.

(Added by Stats. 1953, Ch. 562.)

32100.8. In all other respects each hospital district general election shall be conducted in the manner provided by Division 2 of the act cited in Section 32002 of this code.

(Added by Stats. 1949, Ch. 1209.)

32100.9. Notice that an appointment pursuant to Section 32100.4 may be made in the event that only one or no nomination is made and no petition requesting an election is filed, shall be published in a newspaper of general circulation in the district, once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

(Added by Stats. 1961, Ch. 523.)

32101. All registered voters residing within the territory comprising a district organized under this division are qualified electors.

(Added by Stats. 1945, Ch. 932.)

32102. The board of hospital directors shall meet on the first Monday subsequent to 30 days after the completion of organization of the district and shall organize by the election of one of their members as president and one as secretary.

(Added by Stats. 1945, Ch. 932.)

32103. The members of the board of directors shall serve without compensation except that each shall be allowed his actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the board.

(Added by Stats. 1945, Ch. 932.)

32104. The board of directors shall provide for the time and place of holding its regular meetings and the manner of calling the same, and shall establish rules for its proceedings and may adopt such rules and regulations not inconsistent with law as may be necessary for the exercise of the powers conferred and the performance of the duties imposed upon the board.

(Added by Stats. 1945, Ch. 932.)

32105. Special meetings may be called by three directors and notice of the holding thereof shall be mailed to each member at least 48 hours before the meeting.

(Added by Stats. 1945, Ch. 932.)

32106. All of the sessions of the board of directors, whether regular or special, shall be open to the public, and a majority of the members of the board shall constitute a quorum for the transaction of business.

(Added by Stats. 1945, Ch. 932.)

32108. Any director or officer of the district who is in any manner interested in any contract awarded or to be awarded by the board, or in the profits to be derived from the contract, is guilty of a misdemeanor. Conviction shall also work a forfeiture of his office.

A director or officer shall not be deemed to be interested in a contract within the meaning of this section, or in the profits to be derived therefrom, solely by reason of his membership in a nonprofit corporation formed under the Agricultural Code, or in a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products providing that the fact of such membership is disclosed or known to the governing board and noted in the minutes, and the governing board thereafter authorizes, approves, or ratifies the contract in good faith by a vote sufficient for the purpose without counting the vote of such director or officer.

(Added by Stats. 1951, Ch. 536; amended by Stats. 1957, Ch. 842.)

32109. Each candidate for election to the board of directors shall prepare and file a campaign statement in the manner prescribed in Chapter 1 (commencing at Section 4500) of Division 7 of the Elections Code if the lawful receipts and expenses of his campaign exceed two hundred dollars (\$200).

(Added by Stats. 1959, Ch. 74.)

32110. No person possessing any property interest greater than 5 percent in, or owning more than 5 percent of the stocks, bonds, or other securities issued by, any private hospital serving the same area served by the district, or who is a director or other officer of any such private hospital, shall be eligible for or hold any district office, either as a member of the board or otherwise. The possession or ownership of such interest, stocks, bonds, or other securities by the spouse or minor children of any person shall be deemed, for the purposes of this section, to be the possession or interest of such person.

This section does not apply to any person who is a member of the board of directors of a local hospital district on the effective date of this section, except in respect to his eligibility for, or his holding of membership on, the board of directors for any term subsequent to that for which he is serving on that date.

(Added by Stats. 1959, Ch. 1602.)

Article 2. Powers

(Article 2 added by Stats. 1945, Ch. 932)

32121. Each local hospital district shall have and exercise the following powers:

(a) To have and use a corporate seal and alter it at pleasure;

(b) To sue and be sued in all courts and places and in all actions and proceedings whatever;

(c) To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description within the limits of the district, and to control, dispose of, convey and encumber the same and create a leasehold interest in same for the benefit of the district;

(d) To exercise the right of eminent domain for the purpose of acquiring real or personal property of every kind necessary to the exercise of any of the powers of the district;

(e) To administer any trust declared or created for hospitals of the district, and received by gift, devise, or bequest and hold in trust or otherwise, property situated in this State or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such hospitals.

(f) To employ legal counsel to advise the board of directors in all matters pertaining to the business of the district, and to perform such functions in respect to the legal affairs of the district as the board may direct; and to call upon the district attorney of the county in which the greater part of the land in the district is situated for legal advice and assistance in all matters concerning the district, except that if that county has a county counsel, the directors may call upon the county counsel for such legal advice and assistance.

(g) To employ such officers and employees, including architects and consultants, as the board of directors deems necessary to carry on properly the business of the district;

(h) To prescribe the duties and powers of the hospital administrator, secretary and other officers and employees of any such hospitals; to determine the number of and appoint all such officers and employees, and to fix their compensation, which said officers and employees shall hold their offices or positions at the pleasure of said boards.

(i) To do any and all things which an individual might do which is necessary for and to the advantage of a hospital and a nurses' training school.

(j) To establish, maintain and operate one or more hospitals, situated within the territorial limits of the district.

(k) To do any and all other acts and things necessary to carry out the provisions of this division.

(l) To acquire, maintain, and operate ambulances or ambulance services within and without the district.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1949, Ch. 964, by Stats. 1951, Ch. 536, by Stats. 1953, Ch. 1208, and by Stats. 1957, Ch. 641.)

32121.1. By resolution, the board of directors of a local hospital district may delegate to its administrator the power to employ (subject to the pleasure of the board of directors), and discharge, such subordinate officers and employees as are necessary for the purpose of carrying on the normal functions of any hospital operated by the district.

(Added by Stats. 1957, Ch. 640.)

32122. The board of directors may purchase all necessary surgical instruments and hospital equipment and equipment for nurses' homes and all other property necessary for equipping a hospital and nurses' home.

(Added by Stats. 1945, Ch. 932.)

32123. The board of directors may purchase such real property, and erect or rent and equip such buildings or building, room or rooms as may be necessary for the hospital.

(Added by Stats. 1945, Ch. 932.)

32124. The board of directors may establish a nurses' training school in connection with the hospital, prescribe a course of study for such training and after the completion of the course, provide for the issuance of diplomas to graduate nurses.

(Added by Stats. 1945, Ch. 932.)

32125. The board of directors shall be responsible for the operation of all hospitals owned or leased by the district, according to the best interests of the public health and shall make and enforce all rules, regulations and by-laws necessary for the administration, government, protection and maintenance of hospitals under their management and all property belonging thereto and may prescribe the terms upon which patients may be admitted thereto; provided, that such hospitals shall not contract to care for indigent county patients at below the cost for care. In fixing the rates the board shall,

insofar as possible, establish such rates as will permit the hospital to be operated upon a self-supporting basis. The board may establish different rates for residents of the district than for persons who do not reside within the district. Minimum standards of operation as prescribed in this article shall be established and enforced by the board of directors.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1949, Ch. 919, and by Stats. 1955, Ch. 1936.)

32126. The board of directors may provide for the operation and maintenance through tenants of the whole or any part of any hospital acquired or constructed by it pursuant to this division, and for such purpose may enter into any lease agreement which it believes will best serve the interest of the district; provided, that any such lease entered into for the operation of any hospital shall require the tenant or lessee to conform to and abide by each and all of the provisions of Section 32128 of this article. No such lease shall run for a term in excess of ten (10) years.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1949, Ch. 919.)

32127. The hospital district shall establish its own treasury and shall appoint a treasurer charged with the safekeeping and disbursal of the funds in the treasury of the district. The board of directors shall fix the amount of the bond to be given by such treasurer and shall provide for the payment of the premium therefor out of the maintenance and operation fund.

All moneys derived from that portion, if any, of the annual tax or assessment levied for capital outlay purposes shall be placed in the capital outlay fund. Any moneys derived from a special tax or assessment levied under Article 3 of Chapter 3 hereof shall be placed in a special assessment fund and shall be used exclusively for the purposes for which such special tax or assessment was voted.

All moneys derived from the regular annual tax or assessment provided in Article 1, Chapter 3 hereof, except any part thereof levied for capital outlay purposes, shall be placed in the maintenance and operation fund. All receipts and revenues of any kind from the operation of the hospital shall be paid daily into the treasury of said district and placed in the maintenance and operation fund. Moneys in the maintenance and operation fund may be expended for any of the purposes of the district; provided, however, that no such moneys may be expended for new construction of additional patient bed capacity other than as authorized by Section 32221 hereof. Whenever it appears that the sum in the bond interest and sinking fund will be insufficient to pay the interest or principal of bonds next coming due and payable therefrom, a sum sufficient to pay such principal and interest shall be transferred by the board of directors from the maintenance and operation fund to said bond interest and sinking fund.

Except as to principal and interest of bonds, moneys in the treasury of the district shall be paid out by the treasurer

thereof only on written order signed by the president and countersigned by the secretary. The treasurer shall keep such order as his voucher and shall keep accounts of all receipts into the district treasury and all disbursements therefrom.

Where bonds of the district are payable at the office of the district, all receipts from taxes levied to pay the principal and interest of such bonds shall be paid into the treasury of the district, and the treasurer of the district shall pay therefrom the principal and interest of such bonds.

Where bonds of the district are payable at the office of the county treasurer of the organizing county, at the option of the holder, or otherwise, all receipts from taxes levied to pay principal and interest of such bonds shall be paid into the treasury of the organizing county and shall be placed by the county treasurer in the bond interest and sinking fund of the district, and he shall pay the principal and interest of such bonds therefrom and shall keep an account of all moneys received into and paid out of said fund.

Any moneys in the treasury of the district and any moneys of the district in the bond interest and sinking fund of the district in the treasury of the organizing county may be deposited in accordance with the provisions of the general laws of the State of California governing the deposit of public moneys of cities or counties in such bank or banks in the State of California as may be authorized to receive deposits of public funds, in the same manner and upon the same security as public moneys of cities and counties are deposited in such banks, and with like force and effect. The board of directors of the district are authorized to create a revolving fund which fund shall not exceed the sum of 10 percent of the estimated annual expenditures of the district at any one time and which shall be used for the purpose of paying the interim expenses of the operation of any hospital within the district without the necessity of a written order signed by the president and countersigned by the secretary as provided herein. The treasurer is authorized to deposit said fund in such bank or banks in the county as may be authorized to receive deposits of public funds in the same manner and upon the same security as public moneys of cities and counties are deposited in such banks and with like force and effect, and shall be subject to withdrawal upon the signature of the treasurer, or such other official of the district as may be authorized by the board of directors, for the use and purpose provided for herein.

(Added by Stats. 1945, Ch. 932; repealed and added by Stats. 1947, Ch. 18; amended by Stats. 1951, Ch. 889, and by Stats. 1955, Ch. 1936.)

32127.1. Notwithstanding any other provision of law, the board of directors of any district which is licensed to have 85 beds and located within a county of 2,000,000 or more population, as determined by the 1950 census, may, without establishing a fund for capital outlays and without the approval of

the district electors, use all or any portion of the funds of the district which are derived from tax levies accumulated, assessed, or received during the two-year period immediately following the effective date of this section, and all or any funds in the possession of, or held by, the district on the effective date of this section which were derived from previous tax levies, for the acquisition of additional patient bed capacity by lease or purchase of any hospital buildings or facilities or for new construction of additional patient bed capacity for an existing hospital.

(Added by Stats. 1960 (1st Ex. Sess.), Ch. 9. Effective April 8, 1960.)

32127.5. On January 1, 1956, all funds on hand in the treasury of the district may, at the discretion of the board of directors of the district, be paid over to the county treasurer of the county in which the district was organized, in which case and from and after that date the functions of the district treasurer shall be performed by the county treasurer. Except as to principal and interest of bonds, moneys in the treasury of the district shall be paid out by the county treasurer for purposes of the district upon warrants issued by the county auditor on orders signed by the president of the district and countersigned by the secretary of the district.

(Added by Stats. 1955, Ch. 1298.)

32128. The rules of the hospital, established by the board of directors pursuant to this article, shall include: 1. Provision for the organization of physicians and surgeons and dentists licensed to practice in this State who are permitted to practice in the hospital into a formal medical staff, with appropriate officers and by-laws and with staff appointments on an annual basis; 2. Provision that membership on the medical staff shall be restricted to physicians and surgeons competent in their respective fields, worthy in character and in professional ethics, and in this latter connection the practice of division of fees under any guise whatsoever shall be prohibited and any such division of fees shall be cause for exclusion from the staff; 3. Provision that the medical staff shall be self-governing with respect to the professional work performed in the hospital; that the medical staff shall meet at least once in each month and review and analyze at regular intervals their clinical experience; and that the medical records of the patients shall be the basis for such review and analysis; 4. Provision that accurate and complete medical records be prepared and maintained for all patients (medical records to include identification data, personal and family history, history of present illness, physical examination, special examinations, professional or working diagnoses, treatment, gross and microscopic pathological findings, progress notes, final diagnosis, condition on discharge, and such other matters as the medical staff shall determine); and, 5. Such limitations with respect to the practice of medicine and surgery in the hospital as the board of directors may find to be in the best interests of the public health

and welfare; provided, that no duly licensed physician and surgeon shall be excluded from staff membership solely because he be licensed by one or the other of the boards mentioned in Section 2005 of the Business and Professions Code.

Said rules of the hospital shall, insofar as consistent herewith, be in accord with and contain, minimum standards not less than the rules and standards of private or voluntary hospitals operating within the district.

(Added by Stats. 1949, Ch. 919; amended by Stats. 1955, Ch. 1296.)

32128.5. The rules of the hospital, established by the board of directors pursuant to this article, may include provision for use of the hospital facilities by duly licensed podiatrists subject to the rules and regulations governing such use established by the medical staff of the hospital.

(Added by Stats. 1961, Ch. 110.)

32129. Local hospital districts shall not have power or authority to render or furnish any professional services as defined in Section 2007 of the Business and Professions Code, either directly or through persons employed by the district. Each hospital district shall comply with Section 2008 of the Business and Professions Code; provided, however, that the board of directors of a hospital district may contract with a physician and surgeon for the rendering of professional services in the hospital, under the direction or as requested by attending physicians of patients in the hospital, on such basis as does not result in any profit or gain to the district from the professional services of such physician and surgeon.

(Added by Stats. 1947, Ch. 884.)

32130. The district may borrow money and incur indebtedness in anticipation of the estimated tax revenue and other income for the current year in which the indebtedness is incurred. Such indebtedness shall not exceed 50 percent of the total amount of the estimated tax revenue and other income for the current year.

The district is further authorized when funds shall be needed to meet current expenses of maintenance and operation, to borrow money on certificates of indebtedness or other evidence of indebtedness in an amount not to exceed five cents (\$.05) on each one hundred dollars (\$100) of assessed valuation of the district, said certificates of indebtedness to run for a period not to exceed five years and to bear interest not to exceed 5 percent per annum.

All such certificates of indebtedness or other evidence of indebtedness shall be issued after the adoption by a three-fifths vote of the board of directors of the district of a resolution setting forth the necessity for such borrowing and the amount of the assessed valuation of the district and the amount of funds to be borrowed thereon. All such certificates of indebtedness or other evidence of indebtedness shall be offered at public sale by the board of directors of the district after not less than 10 days advertising in a newspaper of general circulation

within the district and if no newspaper of general circulation is printed within the district, then in a newspaper of general circulation within the county in which the district is located. Each such sale shall be made to the bidder offering the lowest rate of interest or whose bid represents the lowest net cost to the district; provided, however, that the rate of interest shall not exceed 5 percent per annum.

Such certificates of indebtedness or other evidences of indebtedness shall be signed on behalf of the district by the presiding officer and attested by the secretary of the board of directors of the district. The board of supervisors of the county in which the district lies shall, at the time of fixing the general tax levy, sometimes called the annual assessment or regular annual assessment for such district, and in the manner for such general tax levy provided, levy and collect annually each year until said certificates of indebtedness or other evidences of indebtedness are paid or until there shall be a sum in the county treasury of said county set apart for that purpose sufficient to meet all sums coming due for principal and interest on such certificates of indebtedness or other evidence of indebtedness, a tax sufficient to pay the interest on such certificates of indebtedness as the same becomes due and also, to constitute a sinking fund for the payment of the principal thereof at maturity. Said tax shall be in addition to all of the taxes levied for district purposes and shall be placed in a certificate of indebtedness, interest and sinking fund of the district and, until all of the principal of the interest and certificates of indebtedness is paid, the money in said fund shall be used for no other purpose than the payment of said certificates of indebtedness and accruing interest thereon.

Notwithstanding any limitation as to the amount, nature or purpose of any indebtedness or other obligations referred to in this section, a district may also incur obligations and indebtedness pursuant to and make all rental, purchase, and other payments provided for in any agreement entered into by it pursuant to Section 32135.

(Added by Stats. 1949, Ch. 1209; amended by Stats. 1951, Ch. 889, and by Stats. 1958 (1st Ex. Sess.), Ch. 80. In effect April 17, 1958.)

32130.5. The first board of directors of a district may, within a period of two years from and after the formation of the district, pursuant to a resolution adopted by it for the purpose, borrow money on certificates of indebtedness, promissory notes, or other evidences of indebtedness, in anticipation of the estimated tax revenue for the following fiscal year, to be repaid within two years from the date of borrowing with interest at a rate not to exceed 5 percent per annum, in order to enable the district to meet all of its necessary initial expenses of organization, construction, acquisition, maintenance, and operation. The total amount of money borrowed and indebtedness incurred under this section and Section

32130 during this two-year period shall not exceed 50 percent of the total amount of estimated tax revenue as estimated by the county auditor or auditors of the county or counties in which the district lies for the following fiscal year.

The provisions of Section 32130 are applicable in respect to any indebtedness incurred under this section to the extent that they are consistent with this section.

(Added by Stats. 1957, Ch. 426; amended by Stats. 1959, Ch. 1080.)

32130.7. Any district with a hospital licensed to have 254 or more beds, which hospital is located within a county of 800,000 or more population, may borrow money up to 75 percent of the face value of its accounts receivable, and may pledge an equivalent percentage of such accounts receivable as the sole security for such loans. Public bids shall be solicited by not less than 10 days' advertising in a newspaper of general circulation within the district, or if no newspaper of general circulation is printed within the district, then in a newspaper of general circulation within the county in which the district is located.

Each such borrowing shall be from the bidder offering the lowest rate of interest. If, in the opinion of the district board, the lowest bid is excessive, it may reject all bids.

Any indebtedness so incurred shall be an obligation of the district.

This section shall remain in effect until October 1, 1961, but the termination of the effectiveness of this section shall not affect the validity of any loan, indebtedness, or obligation incurred, or any agreement entered into, pursuant to this section, prior to October 1, 1961.

(Added by Stats. 1959, Ch. 309. In effect May 6, 1959.)

32131. The board of directors may maintain membership in any local, state or national group or association organized and operated for the promotion of the public health and welfare or the advancement of the efficiency of hospital administration, and in connection therewith pay dues and fees thereto.

(Added by Stats. 1951, Ch. 277.)

32132. The board of directors shall let any contract involving an expenditure of more than two thousand five hundred dollars (\$2,500) for work to be done or for materials and supplies to be furnished, sold, or leased to the district, to the lowest responsible bidder who shall give such security as the board requires, or else reject all bids; provided, however, that the provisions of this section shall not apply to medical or surgical equipment or supplies or to professional services.

Bids need not be secured for change orders which do not materially change the scope of the work as set forth in a contract previously made; provided, that such contract was made after compliance with bidding requirements, and such change orders do not total more than 5 percent of such contract.

As used in this section, "medical or surgical equipment or supplies" includes only equipment or supplies commonly, necessarily, and directly used by or under the direction of a physician and surgeon in caring for or treating a patient in a hospital.

(Added by Stats. 1955, Ch. 1836; amended by Stats. 1957, Ch. 631, and by Stats. 1959, Ch. 1096.)

32133. At least once each year the board shall engage the services of a qualified accountant of accepted reputation to conduct an audit of the books of the hospital and prepare a report. The financial statement of the district with the auditor's certification, including any exceptions or qualifications as part of such certification, shall be published in the district by the board pursuant to Section 6061 of the Government Code.

(Added by Stats. 1955, Ch. 1836; amended by Stats. 1957, Ch. 357.)

32134. The effective date of any contract entered into for the construction and leasing of any hospital building or facilities shall be the date of execution of said lease notwithstanding the fact that said lease may be later amended.

(Added by Stats. 1957, Ch. 539. In effect May 28, 1957.)

32135. Notwithstanding any other provision of law, any district which on March 1, 1958, has been in existence for not less than five years and has been operating a hospital for not less than four years, may enter into a negotiated written agreement or amendment of an existing written agreement, whether or not such agreement was valid or binding at the time it was executed, with any nonprofit corporation formed under the laws of the State of California by individuals who are residents of such district. Each such agreement or existing written agreement as amended shall comply with the provisions of this section and shall be binding and enforceable for its stated term, notwithstanding the subsequent amendment, repeal or expiration of the effective period of this section. Any such agreement or existing written agreement as amended shall provide (1) that the district shall lease to said nonprofit corporation for a term of not to exceed forty (40) years, at such rental or for such other or additional consideration as the board of directors may deem proper, any real property owned by the district; (2) that said nonprofit corporation shall at its own expense construct or contract for the construction and financing of a building or buildings for hospital purposes of the district on said real property; (3) that the total cost of construction and financing of said building or buildings shall be determined by resolution adopted by the board of directors and accepted by said nonprofit corporation; (4) that said real property and said building or buildings shall be subleased to or otherwise made available for the use of the district during the term of said agreement or existing written agreement as amended, upon payment by the district of a rental or other consideration not exceeding, in the aggregate, the total cost of construction and

financing of said building or buildings as determined by the board of directors, together with all other sums due or payable under the terms of said agreement or existing written agreement as amended, which rental or other consideration shall be payable monthly, quarterly or semiannually during the term of said agreement or existing written agreement as amended, beginning not later than the date on which said building or buildings shall first become available for occupancy by the district; and (5) that title to said real property and to said building or buildings shall vest in the district without the payment of any further consideration at the expiration of the term of said agreement or existing written agreement as amended, subject to compliance by the district with the terms and conditions of said agreement or existing written agreement as amended. Said agreement or existing written agreement as amended may provide such other terms and conditions as the board of directors may deem to be in the best interests of the district, including, without limiting the generality of the foregoing, one or more options permitting the district to purchase said building or buildings and the nonprofit corporation's leasehold estate under a ground lease during the term of said agreement or existing written agreement as amended at any time after the execution thereof at a price not exceeding the fair market value of said building or buildings or leasehold estate on the date of exercise of said option. Said agreement or existing written agreement as amended may provide that any installments of rental theretofore paid by the district may be credited against said option price.

The provisions of Section 32132 shall not apply to any agreement or existing written agreement as amended entered into by any district pursuant to this section or to any construction contract for any building or buildings constructed or to be constructed pursuant to said agreement or existing written agreement as amended. The provisions of Section 32221 shall not apply to any sums paid or payable by a district pursuant to any such agreement or existing written agreement as amended.

This section shall remain in effect until January 1, 1959.

(Added by Stats. 1958 (1st Ex. Sess.), Ch. 80. In effect April 17, 1958.)

32136. The board of directors may, without following the bidding provisions in Section 32132 hereof, let contracts for work to be done or for materials and supplies to be furnished, sold or leased to the district, if it first determines that an emergency exists warranting such expenditure due to fire, flood, storm, epidemic, or other disaster and is necessary to protect the public health, safety, welfare, or property.

(Added by Stats. 1959, Ch. 1081.)

32137. The board of directors may, by resolution, change the name of the district. The change in the name of the district shall be effective upon the filing of a verified copy of the resolution with the Secretary of State.

(Added by Stats. 1961, Ch. 743.)

CHAPTER 3. ASSESSMENTS

(Chapter 3 added by Stats. 1945, Ch. 932)

Article 1. Annual Assessments

(Article 1 added by Stats. 1945, Ch. 932)

32200. Any district formed pursuant to this division may be financed by assessment on real and personal property within the district, pursuant to this chapter.

(Added by Stats. 1945, Ch. 932.)

32201. Annually, at least 15 days before the first day of the month in which county taxes are levied, the board of directors of each local hospital district shall furnish to the board of supervisors of the county in which the district or any part thereof is situated an estimate in writing of the amount of money necessary to be raised by taxation for all purposes required under the provisions of this division during the next ensuing fiscal year. In addition to such written estimate the board of directors of each local hospital district shall furnish to the board of supervisors for each tax year occurring after the second full fiscal year of actual hospital operations a certified copy of a resolution of said board of directors finding that the rates and charges made for services and facilities in the hospital on an over-all basis are comparable to charges made for similar services and facilities by the nonprofit hospitals operated within the hospital service area in which the district hospital is located. No such certificate need be furnished if there are no nonprofit hospitals in such service area. Such hospital service area shall be as from time to time delineated by the State Department of Public Health.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1955, Ch. 1935.)

32202. The board of supervisors shall thereupon levy upon the taxable property of the district within its own county a tax sufficient in amount to maintain the district but not to exceed the twenty-cent (\$0.20) limit provided in Section 32203 and, in addition, a tax sufficient to pay the interest on all outstanding bonds of said district as the same becomes due, and also to constitute a sinking fund for the payment of the principal thereof at maturity, and a tax sufficient to pay rentals and all other sums due or payable under any agreement for the construction and leasing or purchasing of any hospital buildings or facilities entered into by the district pursuant to Section 32135 prior to January 1, 1959. If the district embraces territory lying in more than one county, the amount estimated shall be ratably apportioned among the several counties in the district in proportion to the assessed value of the property in the several counties included within said district as shown upon the last assessment rolls of the said counties, and the estimates apportioned to the several counties shall be rendered to their respective boards of supervisors and the tax shall be

levied and collected by the officials of each county upon the property of the district lying therein.

(Added by Stats. 1945, Ch. 932; repealed and added by Stats. 1947, Ch. 18; amended by Stats. 1957, Ch. 539, and by Stats. 1958 (1st Ex. Sess.), Ch. 80. In effect April 17, 1958.)

32203. The tax, exclusive of the levy for the payment of the principal and interest of bonds and any special assessment voted hereunder, and exclusive of the levy for the payment of rentals and all other sums due or payable under any agreement for the construction and leasing or purchasing of any hospital buildings or facilities entered into by the district pursuant to Section 32135 prior to January 1, 1959, shall in no case exceed the rate of twenty cents (\$0.20) on each one hundred dollars (\$100) of the assessed valuation of all taxable property within the district, but it may be in addition to all other taxes allowed by law to be levied upon such property.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1947, Ch. 18, by Stats. 1957, Ch. 539, and by Stats. 1958 (1st Ex. Sess.), Ch. 80. In effect April 17, 1958.)

32204. The tax shall be computed, entered upon the tax rolls and collected in the same manner as county taxes are computed, entered and collected. Such taxes shall be a lien on the taxable property of the district and shall be paid with, and not separately from, county taxes. All moneys so collected shall be paid into the county treasury or treasuries of the county or counties in which the district lies and shall be transferred upon order of the district board to the treasury of the district and placed in the proper fund or funds of said district; provided, however, that the proceeds of any tax levied to pay principal or interest of bonds which is payable at the office of the treasurer of the organizing county at the option of the holder, or otherwise, shall be placed in the bond interest and sinking fund of the district in the treasury of the organizing county.

(Added by Stats. 1945, Ch. 932; repealed and added by Stats. 1947, Ch. 18.)

32205. (Added by Stats. 1945, Ch. 932; repealed by Stats. 1947, Ch. 18.)

Article 2. Capital Outlays

(Article 2 added by Stats. 1945, Ch. 932)

32221. The board of directors may establish a fund for capital outlays; provided, that no part of said fund except such part as received through gifts, donations, devises, or bequests, or from sources other than the tax levy specified by Section 32202, shall be used for acquisition of additional patient bed capacity by lease or purchase of any hospital buildings or facilities or for new construction of additional patient bed capacity for an existing hospital in excess of one hundred fifty thousand dollars (\$150,000) over a period of four years (other than remodeling, alteration or conversion of existing facilities) unless a majority of the district electors voting at

an election held for that purpose approve such new construction proposal. If such fund is established, it shall include in the estimate required to be furnished to the board of supervisors a statement of the amount to be included in the annual assessment for this purpose. The amount to be raised shall be included in the tax limitation prescribed by Section 32203.

Notwithstanding the provisions of this section, nothing in this article shall limit the power of a district formed after June 1, 1961, which, prior to the adoption hereof, has not operated a hospital or established a fund for capital outlay, to lease, lease-back, lease with option to purchase or lease with provision for title to vest in the district on termination, hospital buildings or facilities with rentals to be paid from revenues and taxes, subject to the limitation prescribed by Section 32203, provided any such lease is entered into prior to June 1, 1964.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1955, Ch. 1675, by Stats. 1958 (1st Ex. Sess.), Ch. 80, by Stats. 1959, Ch. 1395, and by Stats. 1960 (1st Ex. Sess.), Ch. 9. Effective April 8, 1960. Amended by Stats. 1963, Ch. 10 and Ch. 1845.)

NOTE: Section 32221, as amended by Stats. 1963, Ch. 10, effective from March 7, 1963 to September 20, 1963 reads as follows:

32221. The board of directors may establish a fund for capital outlays; provided, that no part of said fund except such part as received through gifts, donations, devises, or bequests, or from sources other than the tax levy specified by Section 32202, shall be used for acquisition of additional patient bed capacity by lease or purchase of any hospital buildings or facilities or for new construction of additional patient bed capacity for an existing hospital in excess of one hundred fifty thousand dollars (\$150,000) over a period of four years (other than remodeling, alteration or conversion of existing facilities) unless a majority of the district electors voting at an election held for that purpose approve such new construction proposal. If such fund is established, it shall include in the estimate required to be furnished to the board of supervisors a statement of the amount to be included in the annual assessment for this purpose. The amount to be raised shall be included in the tax limitation prescribed by Section 32203.

32222. At any time after the creation of a capital outlay fund, the board of directors may transfer to such fund any unincumbered surplus funds remaining on hand in the district at the end of any fiscal year.

(Added by Stats. 1945, Ch. 932.)

32223. Whenever a capital outlay fund is established, it shall be used only for such purposes, except the board of directors may, by a four-fifths vote of all members, if it finds that the fund is no longer necessary or that there remain in the fund moneys which are no longer required for such purpose, discontinue the fund or transfer so much thereof as is no longer required for capital outlay purposes to the repayment of any bonds outstanding, or if there are no bonds outstanding, to any fund used for the payment of current expenses of the district.

(Added by Stats. 1945, Ch. 932.)

Article 3. Special Assessments
(Article 3 added by Stats. 1945, Ch. 932)

32240. Whenever it is desired that expenditures be made by the district for the acquisition, construction, maintenance, or alteration of work for the purpose of facilitating the carrying out of the purpose of this division in any district, the board of directors thereof may submit to the electors of the district the question of whether or not the additional expenditure shall be made out of the proceeds of a special assessment to be levied in like manner and on the same basis as the regular annual assessment made by the district.

(Added by Stats. 1945, Ch. 932.)

32241. An election shall be held to authorize such assessment and may be called by the board of directors of the district in its discretion. Such an election shall be called upon presentation to the board of directors of a petition requesting the levy of the assessment and specifying the object and purposes for which the proceeds thereof shall be expended. Such petition must be signed by electors entitled to cast a number of votes at district elections equal to at least 15 per cent vote of the number of votes cast at the last district election.

(Added by Stats. 1945, Ch. 932.)

32242. The resolution of the board of directors calling an election to decide whether a special assessment shall be levied, in addition to all other matters required by this division for a resolution calling an election, shall state the amount of the proposed expenditure for which assessment is to be levied, the amount of the assessment which will be levied to raise such amount for expenditure, allowing for a delinquency of 15 per cent, and the rate of the assessment necessary to raise such amount.

(Added by Stats. 1945, Ch. 932.)

32243. If two-thirds of the votes cast at the election are in favor of the special assessment, the board of directors shall cause the assessment to be levied in like manner as a regular assessment to pay the regular annual expenses of the district. Such special assessment shall be in addition to the limitation prescribed in Section 32203.

(Added by Stats. 1945, Ch. 932.)

CHAPTER 4. BONDS

(Chapter 4 added by Stats. 1945, Ch. 932)

32300. Bonds may be issued by a district for the purpose of acquiring, maintaining, constructing, or altering work, when, in the opinion of the directors, a special assessment would be inadvisable, and the expenses of such operations will be in excess of an amount which can reasonably be raised by the regular annual assessment for the running expenses of the district.

(Added by Stats. 1945, Ch. 932.)

32300.1. In determining the amount of bonds to be issued, the legislative body may include:

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said revenue bonds, and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

(Added by Stats. 1957, Ch. 1378.)

32300.2. Bonds may be issued by a district for the purpose of refunding any or all of the outstanding bonds or other indebtedness of the district.

(Added by Stats. 1959, Ch. 910.)

32301. An election shall be held to authorize the issuance of any bonds of a district. The board of directors of a district may call such election at its discretion, and it shall call such election upon presentation to it of a petition requesting the issuance of bonds, specifying the purpose to which the proceeds are to be applied, and signed by electors of the district entitled to cast votes equal in number to at least 15 per cent of the total number of votes of all the electors of the district.

(Added by Stats. 1945, Ch. 932.)

32302. The resolution of the board of directors calling a bond election, in addition to all of the matters required by this division for a resolution calling an election, shall state the amount of the proposed bond issue, the rate of interest thereon, and the maximum date of maturity of bonds. If two-thirds of the votes cast at the bond election are in favor of the issuance of the bonds, the board of directors shall cause bonds to be issued.

(Added by Stats. 1945, Ch. 932.)

32303. The board of directors by resolution entered on its minutes shall prescribe the form of the bonds and of the interest coupons attached thereto, shall fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than 30 years after their date of issuance, the denomination or denominations of the bonds, the date or dates of issuance of such bonds, the number or numbers of the bonds maturing at each date of maturity and the place or places of payment of such bonds. Said bonds may be payable at the office of the district or at the office of the county treasurer of the organizing county, or at any place or places designated therein at holder's option.

(Added by Stats. 1945, Ch. 932; repealed and added by Stats. 1947, Ch. 18; amended by Stats. 1959, Ch. 910.)

32304. Bonds first to mature in each issue shall mature not later than five years from the date of issuance thereof; and those last to mature of each issue shall mature not later than 30 years from the date of issuance thereof.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1959, Ch. 910.)

32305. The rate of interest to be borne by bonds issued under the authority of this chapter shall be fixed by the board of directors. The rate shall not exceed 6 percent per annum, payable annually or semiannually.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1947, Ch. 18.)

32306. Bonds issued under the authority of this chapter shall be of such denomination or denominations as the board of directors may prescribe.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1963, Ch. 736.)

32307. All bonds issued pursuant to this chapter shall be signed by the presiding officer and attested by the secretary of the board of directors of the district, and shall be valid as to future sale thereafter, regardless of whether at the time of sale the officer so signing is still the incumbent of such office.

(Added by Stats. 1945, Ch. 932.)

32308. No hospital district shall incur a bonded indebtedness exceeding 10 percent of the assessed value of all the taxable property in the district as shown by the last equalized county assessment roll or rolls of the county or counties in which the district lies. Any bonds of local hospital districts which shall be issued under the provisions of this chapter shall be legal investments for all trust funds and for the funds of insurance companies, banks, both commercial and savings, and trust companies, and whenever any moneys or funds may by any law now or hereafter enacted be invested in bonds of cities, cities and counties, counties or school districts within the State of California, such moneys or funds may be invested in said bonds of local hospital districts issued under this chapter, and whenever bonds of cities, cities and counties, counties or school districts within the State may by any law now or hereafter enacted be used as security for the performance of any act or the deposit of any public moneys, said bonds of local hospital districts issued under this chapter and in pursuance of its provisions may be so used.

(Added by Stats. 1945, Ch. 932; repealed and added by Stats. 1947, Ch. 18.)

32309. The board of directors may, from time to time, sell bonds in such quantities as may be necessary and most advantageous to raise money for the purposes for which they were issued.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1947, Ch. 18.)

32310. Bonds shall be sold for at least par value. Before making any sales, the board of directors of the district shall, by resolution entered on its minutes, declare its intention to sell a specified amount of bonds, and the day, hour, and place of such sale. Notice of the sale shall be given by publication, once, not less than 10 days prior to the date of sale, in a newspaper of general circulation in the district and shall state that sealed proposals for the purchase of bonds will be received by the board of directors at its office until the day and hour named in the resolution.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1947, Ch. 18.)

32311. At the time appointed, the board of directors shall open the proposals, and may sell the bonds or any portion thereof to the highest responsible bidder or bidders. Any and all bids may be rejected and no proposal shall be accepted unless accompanied by a certified or cashier's check for such reasonable percentage of the amount of the bid as shall be determined by the board of directors, to apply to the purchase price of the bonds. The amount of such check shall be forfeited if, after the acceptance of the proposal the bidder refuses to accept the bonds and to complete his purchase thereof on conditions stated in his bid. In case no award is made the board of directors thereafter may again advertise the bonds or any part thereof for sale.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1955, Ch. 975.)

32312. The board or boards of supervisors of the county or counties in which the district lies shall, at the time of fixing the general tax levy, sometimes called the annual assessment or regular annual assessment, for such district, and in the manner for such general tax levy provided, levy and collect annually each year until said bonds are paid or until there shall be a sum in the treasury set apart for that purpose sufficient to meet all sums coming due for the principal and interest on such bonds, a tax sufficient to pay the interest on such bonds as the same becomes due and also, to constitute a sinking fund for the payment of the principal thereof at maturity. The sum for the sinking fund shall in any event be sufficient to provide for the payment of the principal of all of the bonds as such bonds become due. Said tax shall be in addition to all other taxes levied for district purposes and shall be placed in the bond interest and sinking fund of the district and, until all of the principal and interest of the bonds of said district is paid, the moneys in said fund shall be used for no other purpose than the payment of said bonds and accruing interest thereon.

(Added by Stats. 1945, Ch. 932; repealed and added by Stats. 1947, Ch. 18; amended by Stats. 1959, Ch. 910.)

32313. (Added by Stats. 1945, Ch. 932; repealed by Stats. 1947, Ch. 18.)

32314. The board may provide that any bond issued by the district may be subject to call and retirement prior to maturity at such times and prices and upon such other terms as the board may specify. If a bond is subject to call and retirement prior to maturity that fact shall be stated in the bond.

(Added by Stats. 1957, Ch. 96.)

CHAPTER 5. EXCLUSIONS

(Chapter 5 added by Stats. 1953, Ch. 531)

Article 1. General

(Article 1 added by Stats. 1953, Ch. 531)

32400. This chapter shall be applicable only if all of the following conditions exist:

- (a) The district has been organized for at least two years.
- (b) The district has no hospital or bonded debt.
- (c) Two succeeding district bond issues, next preceding submission of the question of the district's dissolution to the voters, were defeated at elections.

(Added by Stats. 1953, Ch. 531.)

Article 2. Petition and Notice

(Article 2 added by Stats. 1953, Ch. 531)

32410. Fifty percent or more of the qualified electors residing within an area that is a portion of a district may jointly or severally file with the board of directors a petition, praying that the area be excluded from the district.

(Added by Stats. 1953, Ch. 531.)

32411. A petition for exclusion shall set forth all of the following:

(a) The reasons why it is claimed that the area should be excluded.

(b) A description of the area to be excluded.

(Added by Stats. 1953, Ch. 531.)

32412. A notice of the filing of an exclusion petition shall be published by the secretary of the board of directors pursuant to Section 6066 of the Government Code prior to the date set for the hearing in a newspaper of general circulation published in the district; and, if there is no such newspaper in the district, then, in such a newspaper in the county in which the principal office of the district is located. If no news-

paper is published in the county in which publication is required, notice shall be posted for the same time in at least three public places in the district, one of which notices shall be posted in the area proposed to be excluded.

(Added by Stats. 1953, Ch. 531; amended by Stats. 1957, Ch. 357.)

32413. The notice shall contain:

(a) A statement that a petition for exclusion of land has been filed.

(b) A description of the area proposed to be excluded.

(c) The time of the hearing.

(d) An announcement that any persons interested in the proposed exclusion may appear at the district office at the time of the hearing and file objections in writing showing cause, if any they have, why the area or any of it should not be excluded.

(Added by Stats. 1953, Ch. 531.)

32414. The time of the hearing specified in the notice shall be the regular meeting of the board of directors next after the giving of the notice is complete.

(Added by Stats. 1953, Ch. 531.)

32415. Persons who do not at or before the hearing file objections in writing showing cause why the area should not be excluded and the petitioners assent to excluding the area in whole and in part.

(Added by Stats. 1953, Ch. 531.)

Article 3. Hearing and Order

(Article 3 added by Stats. 1953, Ch. 531)

32425. At the time and place mentioned in the notice or at the time to which the hearing of the petition may be adjourned the board of directors shall hear the petition, all of the objections to it presented in writing, and all evidence introduced in support of the petition and objections.

(Added by Stats. 1953, Ch. 531.)

32426. The expense of giving the notice shall be paid by the persons filing the exclusion petition.

(Added by Stats. 1953, Ch. 531.)

32427. Upon the hearing of an exclusion petition the board of directors shall order that the petition be denied:

(a) Entirely when no evidence in support of the petition is introduced.

(b) As to any of the area described in the petition as to which the evidence introduced fails to sustain the petition.

(c) As to any of the area described in the petition which the board deems it not for the best interests of the district to exclude except when the board judges that the residents of the area will not be benefited by the operations of the district.

(Added by Stats. 1953, Ch. 531.)

32428. The board of directors after the hearing of any exclusion petition shall order the exclusion of all or any part of the area described in it when as to the area to be excluded either:

(a) The board judges that the residents of the area will not be benefited by the operations of the district.

(b) The board deems the exclusion to be for the best interest of the district and one of the following is true:

(1) No interested person has filed objections in writing showing cause why the area should not be excluded.

(2) All written objections made to the exclusion have been withdrawn.

(3) No written objection made to the exclusion is sustained at the hearing.

(Added by Stats. 1953, Ch. 531.)

32429. When a board of directors excludes any area from a district, the board shall make an entry in its minutes describing the change so that the new boundary of the district can be ascertained.

(Added by Stats. 1953, Ch. 531.)

32430. For the purpose of describing the change the board of directors may cause any survey to be made it deems necessary.

(Added by Stats. 1953, Ch. 531.)

32431. A copy of the entry in the minutes excluding any area, certified by the president and secretary of the board of directors, shall be filed for record in the recorder's office of each affected county.

(Added by Stats. 1953, Ch. 531.)

32432. No exclusion of any area from a district impairs its existence, its rights, including those in or to property, or its obligations.

(Added by Stats. 1953, Ch. 531.)

32433. If the board of directors of a district is elected by zones and the area excluded from the district embraces the greater portion of any zone of the district, the office of director from the zone shall be vacant at the expiration of 10 days from the final order of the board excluding the area. The vacancy shall be filled by appointment by the board of supervisors of the office county from the district at large. A director so appointed shall hold office until the next general election for the district. A director then elected shall hold office for the unexpired term in the office of director from the zone involved.

(Added by Stats. 1953, Ch. 531.)

Article 4. Liability of Excluded Land

(Article 4 added by Stats. 1953, Ch. 531)

32450. Any area excluded from a district shall be subject to assessment and be otherwise chargeable for the payment and discharge of all of the obligations outstanding at the time of the filing of the petition for the exclusion of the area as fully as though the area had not been excluded.

(Added by Stats. 1953, Ch. 531.)

32451. For the purpose of discharging the obligations outstanding at the time of the filing of the petition for its exclusion, any area excluded shall be considered as part of the district the same as though the area had not been excluded.

(Added by Stats. 1953, Ch. 531.)

32452. All provisions which could be used to compel the payment by any excluded area of its portion of the outstanding obligations had the exclusion not occurred may be used to compel the payment on the part of the area of the portion of the outstanding obligations of the district for which it is liable.

(Added by Stats. 1953, Ch. 531.)

32453. An excluded area is not subject to assessment or otherwise chargeable for any obligation of any nature or kind incurred after the filing with the board of directors of the petition for the exclusion of the area from the district.

(Added by Stats. 1953, Ch. 531.)

Article 5. Alternative Exclusion Procedure

(Article 5 added by Stats. 1953, Ch. 531)

32475. As an alternative procedure to that provided in Articles 1 and 2, any area may be excluded by a district election when the required petition has been signed by at least 10 percent of the qualified electors of the area proposed to be excluded.

(Added by Stats. 1953, Ch. 531.)

32476. The petition for exclusion shall be as provided in Section 32411.

(Added by Stats. 1953, Ch. 531.)

32477. Upon filing of the petition for exclusion, the board of directors shall cause a notice to be published as provided in Sections 32412, 32413, and 32414.

(Added by Stats. 1953, Ch. 531.)

32478. A hearing of the petition shall be held in accordance with the provisions of Sections 32425, 32426, and 32427.

(Added by Stats. 1953, Ch. 531.)

32479. If the board of directors determines that the best interest of the district will be served by excluding the area, or any part thereof, the board shall hold an election within the

area or part thereof, which the board determines should be excluded, to decide whether or not the proposed exclusion shall take place.

(Added by Stats. 1953, Ch. 531.)

32480. Upon the final hearing of the petition, the board of directors shall fix the boundaries of the area proposed to be excluded and the time, not less than 60 days from date of the order, for holding an election.

(Added by Stats. 1953, Ch. 531.)

32481. If a majority of votes cast within the area proposed to be excluded are in favor of exclusion, the board of directors shall, by resolution entered in its minutes, declare the area excluded. The entry shall describe the change in accordance with the provisions of Sections 32429 and 32430.

(Added by Stats. 1953, Ch. 531.)

32482. The provisions of Sections 32431, 32432, and 32433 shall be applicable to the alternative exclusion procedure provided in this article.

(Added by Stats. 1953, Ch. 531.)

CHAPTER 6. CONSOLIDATION

(Chapter 6 added by Stats. 1953, Ch. 1716)

32490. Any district organized under this division may be consolidated pursuant to this chapter with any memorial district organized or existing under Chapter 1 of Division 6 of the Military and Veterans Code, if the boundaries of the districts are coterminous.

(Added by Stats. 1953, Ch. 1716.)

32490.1. Whenever the board of directors of each district deems it for the best interests of the district that it be consolidated with the other district, it may adopt a resolution reciting that fact and declaring its willingness to consolidate. It shall then send copies of the resolution to the board of directors of the other district and to the board of supervisors of the county in which the district is located.

(Added by Stats. 1953, Ch. 1716.)

32490.2. Proceedings for consolidation may also be initiated by the filing of a petition for consolidation with the board of directors of each district. Each petition shall be signed by registered voters residing within the boundaries of the proposed district equal in number to not less than 12 percent of the number of votes cast therein for the office of Governor at the last preceding election at which a Governor was elected.

Upon the filing of a petition with it, the board of directors shall adopt a resolution reciting the fact of receipt, and then send copies of the petition and resolution to the board of directors of the other district and to the board of supervisors of the county in which the district is located.

(Added by Stats. 1953, Ch. 1716.)

32490.3. Upon receiving from each district either a copy of a formation resolution or a copy of a formation petition, together with a copy of the resolution of the receipt of such petition, the board of supervisors shall call a special election within the area of each district to vote on the proposition of consolidation.

Insofar as possible, the provisions of this division relating to an election on the formation of a local hospital district shall apply to an election called pursuant to this section.

(Added by Stats. 1953, Ch. 1716.)

32490.4. There shall also be elected by the voters at such election a governing board of seven directors for the consolidated district to act for the district in the event that the proposition on consolidation is voted on favorably.

The members of the board elected at the election shall so classify themselves by lot that, if the election is in an even-numbered year, four shall go out of office the first Tuesday in January next following their election, and three shall go out of office two years thereafter; or, if the election is in an odd-numbered year, four shall go out of office the first Tuesday in January of the second year following their election, and three shall go out of office two years thereafter. Their successors shall be elected for terms of four years.

Except as may otherwise be provided in this section, all of the provisions of this division respecting the election, organization and terms of the members of the board of directors of a local hospital district shall apply to the election, organization and terms of the members of a board of directors elected pursuant to this section.

(Added by Stats. 1953, Ch. 1716.)

32490.5. If a majority of the votes cast at the election on consolidation favors consolidation, the board of supervisors shall adopt a resolution declaring that the districts involved are consolidated into one district and giving the district a name. Such name shall include "memorial," and "memorial" shall be part of the name of any hospital which is constructed or operated by the district.

(Added by Stats. 1953, Ch. 1716.)

32490.6. Certified copies of the resolution shall be filed with the Secretary of State and, for record, in the office of the county recorder of the county in which the district is located.

(Added by Stats. 1953, Ch. 1716.)

32490.7. Upon such filing the districts involved shall be deemed consolidated into a single consolidated district with all the rights, privileges and powers of a local hospital district, and, particularly, those of the local hospital district consolidated.

(Added by Stats. 1953, Ch. 1716.)

32490.8. Upon such filing the board of directors elected shall succeed to all the duties, powers, purposes, responsibilities

ties and jurisdiction of the board of directors of the local hospital district.

(Added by Stats. 1953, Ch. 1716.)

32490.9. Upon such filing the consolidated district shall succeed to all the funds and other property, and be subject to all the indebtedness, bonded and otherwise, of the consolidated districts.

(Added by Stats. 1953, Ch. 1716.)

CHAPTER 7. CLAIMS

(Chapter 7 added by Stats. 1959, Ch. 1727)

32492. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727; amended by Stats. 1963, Ch. 1715. See note following Section 954.)

DIVISION 23.5. ENDOWMENT HOSPITALS

(Division 23.5 added by Stats. 1953, Ch. 82,
as part of codification)

32500. The provisions of this division shall be liberally construed to effect its objects and promote its purposes.

(Added by Stats. 1953, Ch. 82, as part of codification.)

32501. Any person desiring in his lifetime to promote the public welfare by founding, endowing, and having maintained within this State a hospital for the relief of the sick, and for use as a training school for nurses may, by grant in writing, convey to a trustee named in the grant and to the successor of such trustee, any of his property situated within this State. If he is married and the property is community, both he and his wife shall join in the grant.

(Added by Stats. 1953, Ch. 82, as part of codification.)

32502. The grant may be executed, acknowledged, and recorded in the manner provided by law for the execution, acknowledgment, and recording of a grant of real property.

(Added by Stats. 1953, Ch. 82, as part of codification.)

32503. The grantor may designate in the grant:

(a) The nature, object, and purpose of the hospital.

(b) The name by which it shall be known.

(c) The powers and duties of the trustee, including the manner in which he shall account, and to whom. Such powers and duties shall not be held to be exclusive of any others necessary to enable the trustee fully to carry out the object of the grant.

(d) The mode and manner by which, and the person by whom any successor of the named trustee shall be appointed.

(e) Such rules and regulations for the management of the property conveyed as the grantor may elect to prescribe. Un-

less the grantor otherwise prescribes, such rules shall be advisory only, and shall not preclude the trustee from making such changes as new conditions may from time to time require.

(Added by Stats. 1953, Ch. 82, as part of codification.)

32504. The trustee may in the name of the hospital grant, receive, and hold gifts of property, and sue and defend in relation to the trust property and all matters affecting the hospital.

(Added by Stats. 1953, Ch. 82, as part of codification.)

32505. The trustee may exercise corporate powers and privileges, and to that end may organize and act as a board of trustees, elect such officers of the board as he may deem necessary, adopt by-laws, and as such board or through such officers transact such business, perform such acts, and exercise such powers as he in writing may provide may be transacted, performed, and exercised by such board.

(Added by Stats. 1953, Ch. 82, as part of codification.)

32506. The board may adopt and use a seal. When attached to any document or writing the seal shall be prima facie evidence that the document or writing was made by and under due authority from the board and the trustee.

(Added by Stats. 1953, Ch. 82, as part of codification.)

32507. The grantor, by a provision in the grant, may during his lifetime elect, in relation to the property conveyed and to the erection, maintenance, and management of the hospital, to perform all the duties and exercise all the powers which, by the terms of the grant, are enjoined upon and vested in the trustee. In such case the powers and duties conferred and imposed by the grant upon the trustee shall be exercised and performed by the grantor during his lifetime. Upon the death of the grantor the powers and duties shall devolve upon and be exercised by the trustee or his successor.

(Added by Stats. 1953, Ch. 82, as part of codification.)

32508. No suit, action, or proceeding shall be commenced or maintained by any person to set aside, annul, or affect the conveyance or the title to the property conveyed, or the right to the possession, rents, issues, and profits thereof, unless it is commenced within two years after the date of filing the grant for record. Nor in any suit, action, or proceeding commenced by the trustee named in the grant, his successor, privy, or any person holding under him shall any defense be made involving the legality of the grant, or affecting the title to the property thereby conveyed, the right to its possession, or the rents, issues, and profits thereof, unless the suit, action, or proceeding is commenced within two years after the grant is filed for record. After such filing the property shall be exempt from execution and forced sale.

(Added by Stats. 1953, Ch. 82, as part of codification.)

PART 1. COMMUNITY REDEVELOPMENT LAW

(Part 1 repealed and added by Stats. 1963, Ch. 1812)

NOTE 1: Part 1, consisting of Sections 33000 to 34000, was added by Stats. 1951, Ch. 710, as part of a codification. Part 1 was repealed and added by Stats. 1963, Ch. 1812.

The text of Part 1 as added by Stats. 1963, Ch. 1812, with amendments, is set forth below. The usual history notes carried at the end of sections are omitted. The Statutory Record may be consulted to determine the history of any particular section prior to the enactment of Stats. 1963, Ch. 1812.

NOTE 2: Stats. 1963, Ch. 1812, also contained the following provisions:

SECTION 1. The Legislature intends by this act to rearrange the provisions of the Community Redevelopment Law in more logical sequence, making only such other changes as are necessitated by changing the sequence of existing provisions. The Legislature intends to accomplish this objective without making any substantive change in the law.

SEC. 5. This act specifically includes those changes in the Community Redevelopment Law intended by the Legislature during the 1963 Regular Session by the enactment of Chapters 13, 171, 213 and 278 of, and the enactment of Sections 1, 2 and 3 of Chapter 832 of, the Statutes of 1963. The repeal of Chapter 832 of the Statutes of 1963 is necessary because of technical defects in Sections 4 through 9, inclusive, of Chapter 832 which created ambiguities in the law not intended by the Legislature.

CHAPTER 1. GENERAL

Article 1. General Definitions

33000. This part may be cited as the Community Redevelopment Law.

33001. The definitions and general provisions contained in this article govern the construction of this part, unless the context otherwise requires.

33002. "Community" means a city, county, or city and county.

33003. "Agency" means a redevelopment agency created by this part or its predecessor, or a legislative body which has elected to exercise the powers granted to an agency by this part.

33004. "Public body" means the State, or any city, county, district, authority, or any other subdivision or public body of the State.

33005. "State" includes any state agency or instrumentality.

33006. "Federal government" means the United States or any of its agencies or instrumentalities.

33007. "Legislative body" means the city council, board of supervisors, or other legislative body of the community.

33008. "Planning commission" means a planning commission established pursuant to law or charter.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

33009. "Obligee" includes any bondholder, his trustee, any lessor demising to the agency property used in connection with a project area or any assignee of all or part of his interest, and the federal government when it is a party to any contract with the agency.

33010. "Redevelopment project" means any undertaking of an agency pursuant to this part.

Article 2. Redevelopment

33020. "Redevelopment" means the planning, development, replanning, redesign, clearance, reconstruction, or rehabilitation, or any combination of these, of all or part of a redevelopment area, and the provision of such residential, commercial, industrial, public, or other structures or spaces as may be appropriate or necessary in the interest of the general welfare, including recreational and other facilities incidental or appurtenant to them.

33021. Redevelopment includes:

(a) The alteration, improvement, modernization, reconstruction, or rehabilitation, or any combination of these, of existing structures in a project area.

(b) Provision for open space types of use, such as streets and other public grounds and space around buildings, and public or private buildings, structures and improvements, and improvements of public or private recreation areas and other public grounds.

(c) The replanning or redesign or original development of undeveloped areas as to which either of the following conditions exist.

(1) The areas are stagnant or improperly utilized because of defective or inadequate street layout, faulty lot layout in relation to size, shape, accessibility, or usefulness, or for other causes.

(2) The areas require replanning and land assembly for reclamation or development in the interest of the general welfare because of widely scattered ownership, tax delinquency, or other reasons.

33022. Redevelopment does not exclude the continuance of existing buildings or uses whose demolition and rebuilding or change of use are not deemed essential to the redevelopment and rehabilitation of the area.

Article 3. Declaration of State Policy— Blighted Areas

33030. It is found and declared that there exist in many communities blighted areas which constitute either social or economic liabilities, or both, requiring redevelopment in the

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

interest of the health, safety, and general welfare of the people of such communities and of the State. These blighted areas are characterized by one or more of the conditions set forth in Sections 33031 to 33034, inclusive.

33031. A blighted area is characterized by the existence of buildings and structures, used or intended to be used for living, commercial, industrial, or other purposes, or any combination of such uses, which are unfit or unsafe to occupy for such purposes and are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime because of any one or a combination of the following factors:

- (a) Defective design and character of physical construction.
- (b) Faulty interior arrangement and exterior spacing.
- (c) High density of population and overcrowding.
- (d) Inadequate provision for ventilation, light, sanitation, open spaces, and recreation facilities.
- (e) Age, obsolescence, deterioration, dilapidation, mixed character, or shifting of uses.

33032. A blighted area is characterized by:

(a) An economic dislocation, deterioration, or disuse, resulting from faulty planning.

(b) The subdividing and sale of lots of irregular form and shape and inadequate size for proper usefulness and development.

(c) The laying out of lots in disregard of the contours and other physical characteristics of the ground and surrounding conditions.

(d) The existence of inadequate streets, open spaces, and utilities.

(e) The existence of lots or other areas which are subject to being submerged by water.

33033. A blighted area is characterized by a prevalence of depreciated values, impaired investments, and social and economic maladjustment to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered.

33034. A blighted area is characterized by:

(a) In some parts of the blighted area, a growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety, and welfare.

(b) In other parts of the blighted area, a loss of population and reduction of proper utilization of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.

33035. It is further found and declared that:

(a) The existence of blighted areas characterized by any or all of such conditions constitutes a serious and growing menace

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

which is condemned as injurious and inimical to the public health, safety, and welfare of the people of the communities in which they exist and of the people of the State.

(b) Such blighted areas present difficulties and handicaps which are beyond remedy and control solely by regulatory processes in the exercise of police power.

(c) They contribute substantially and increasingly to the problems of, and necessitate excessive and disproportionate expenditures for, crime prevention, correction, prosecution, and punishment, the treatment of juvenile delinquency, the preservation of the public health and safety, and the maintaining of adequate police, fire, and accident protection and other public services and facilities.

(d) This menace is becoming increasingly direct and substantial in its significance and effect.

(e) The benefits which will result from the remedying of such conditions and the redevelopment of blighted areas will accrue to all the inhabitants and property owners of the communities in which they exist.

33036. It is further found and declared that:

(a) Such conditions of blight tend to further obsolescence, deterioration, and disuse because of the lack of incentive to the individual landowner and his inability to improve, modernize, or rehabilitate his property while the condition of the neighboring properties remains unchanged.

(b) As a consequence the process of deterioration of a blighted area frequently cannot be halted or corrected except by redeveloping the entire area, or substantial portions of it.

(c) Such conditions of blight are chiefly found in areas subdivided into small parcels, held in divided and widely scattered ownerships, frequently under defective titles, and in many such instances the private assembly of the land in blighted areas for redevelopment is so difficult and costly that it is uneconomic and as a practical matter impossible for owners to undertake because of lack of the legal power and excessive costs.

(d) The remedying of such conditions may require the public acquisition at fair prices of adequate areas, the clearance of the areas through demolition of existing obsolete, inadequate, unsafe, and insanitary buildings, and the redevelopment of the areas suffering from such conditions under proper supervision, with appropriate planning, and continuing land use and construction policies.

33037. For these reasons it is declared to be the policy of the State:

(a) To protect and promote the sound development and redevelopment of blighted areas and the general welfare of the inhabitants of the communities in which they exist by

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1312. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1312, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

remedying such injurious conditions through the employment of all appropriate means.

(b) That whenever the redevelopment of blighted areas cannot be accomplished by private enterprise alone, without public participation and assistance in the acquisition of land, in planning and in the financing of land assembly, in the work of clearance, and in the making of improvements necessary therefor, it is in the public interest to employ the power of eminent domain, to advance or expend public funds for these purposes, and to provide a means by which blighted areas may be redeveloped or rehabilitated.

(c) That the redevelopment of blighted areas and the provisions for appropriate continuing land use and construction policies in them constitute public uses and purposes for which public money may be advanced or expended and private property acquired, and are governmental functions of state concern in the interest of health, safety, and welfare of the people of the State and of the communities in which the areas exist.

(d) That the necessity in the public interest for the provisions of this part is declared to be a matter of legislative determination.

33038. It is found and declared that blighted areas may include housing areas constructed as temporary government-owned wartime housing projects, and that such areas may be characterized by one or more of the conditions enumerated in Sections 33031 to 33034, inclusive.

33039. The Legislature of the State of California recognizes that among the principal causes of slum and blighted residential areas are the following factors:

(a) Inadequate enforcement of health, building, and safety laws.

(b) The fact that the limited financial resources of many human beings who inhabit them make only this type of housing available to such persons.

(c) Racial discrimination against persons of certain groups in seeking housing.

(d) The neglect of absentee landlords.

It is, therefore, declared to be the public policy of this State that, in order to cope with the problems of the rehabilitation of slum or blighted areas, these factors shall be taken into consideration in any rehabilitation or redevelopment program. It is further declared to be the public policy of this State that such rehabilitation or redevelopment programs shall not be undertaken and operated in such a manner as to exchange new slums for old slums or as to congest individuals from one slum to another slum.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

Article 4. Declaration of State Policy—Antidiscrimination

33050. It is hereby declared to be the policy of the State that in undertaking community redevelopment or urban renewal projects under this part there shall be no discrimination because of race, color, religion, national origin, or ancestry.

CHAPTER 2. REDEVELOPMENT AGENCIES

Article 1. Creation of Agencies

33100. There is in each community a public body, corporate and politic, known as the redevelopment agency of the community.

33101. An agency which, on September 15, 1961, was not authorized to transact any business or exercise any powers by a resolution adopted prior to such date, shall not transact any business or exercise any powers under this part unless, by ordinance, the legislative body declares that there is need for an agency to function in the community. The ordinance of the legislative body declaring that there is need for an agency to function in the community shall be subject to referendum as prescribed by law for a county or a city ordinance.

33102. The agency shall cause a certified copy of the ordinance to be filed in the office of the Secretary of State.

33103. In any proceeding involving the validity or enforcement of, or relating to, any contract by an agency, the agency is conclusively deemed to have been established and authorized to transact business and exercise its powers upon proof of the filing with the Secretary of State of such an ordinance.

33104. Agencies which transacted business and exercised powers prior to September 15, 1961, shall, in any proceeding involving the validity of, or enforcement of, or relating to, any contract by an agency, be conclusively deemed to have been established and authorized to transact business and exercise its powers upon proof of the adoption of a resolution adopted pursuant to the provisions of this part which were in effect prior to September 15, 1961, or upon proof that a copy of such resolution has been filed with the Secretary of State.

33105. In any case where an agency was activated in a community by a resolution adopted pursuant to Section 33101 prior to January 1, 1951, and where thereafter and prior to January 1, 1951, the legislative body of the community purported to dissolve the agency under circumstances where Section 33140 was not applicable, and where as a result of such purported dissolution the agency was inactive for a period of at least 10 years, and where subsequent to January 1, 1962, the legislative body of the community adopted an ordinance pursuant to Section 33101 declaring that there is need for an

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

agency to function in the community, which ordinance was not suspended by referendum, and where subsequent to the adoption of such ordinance new members of the agency were appointed pursuant to Section 33110, such agency is a valid and existing agency with full power to transact any business and exercise its powers and the members appointed subsequent to the adoption of such ordinance are the legally appointed and existing members of the agency, each for the term designated in his appointment. For the purpose of applying Section 33140 to such agency, the two-year period referred to in that section shall be measured from the date of adoption of such ordinance.

Article 2. Appointment, Compensation, and Removal of Agency Members

33110. When the legislative body adopts an ordinance declaring the need for an agency the mayor or chairman of the board of supervisors, with the approval of the legislative body, shall appoint five resident electors of the community as members of the agency. The legislative body may, either at the time of the adoption of the ordinance declaring the need for an agency or at any time thereafter, adopt an ordinance increasing to seven the number of members to be appointed to the agency. Upon the exercise of such option by the legislative body, the membership of the agency shall remain at seven.

33111. A member may not be an elective officer or an employee of the community, but, notwithstanding any other law, he may be a member, commissioner, or employee of any other agency or authority of, or created for, the community.

33112. Three of the members first appointed shall be designated to serve the terms of one, two, and three years, respectively, from the date of their appointments and two shall be designated to serve for terms of four years from the date of their appointments. If and when the membership of the agency is increased to seven, one of the additional members shall be appointed to a term, or unexpired portion thereof, which is concurrent with the term then held by the member originally appointed for a term of three years or by his successor, and the other additional member shall be appointed to a term, or unexpired portion thereof, which is concurrent with the term then held by the member originally appointed for a term of two years or by his successor. Their successors shall be appointed for four-year terms. Vacancies occurring during a term shall be filled for the unexpired term. A member shall hold office until his successor has been appointed and has qualified.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

33113. The appointing officer shall designate the first chairman from among the members. When there is a vacancy in such office, the agency shall elect a chairman from among its members. Unless otherwise prescribed by the legislative body, the term of office as chairman is for the calendar year, or for that portion remaining after he is designated or elected.

33114. Members shall receive their actual and necessary expenses, including traveling expenses incurred in the discharge of their duties. They may receive such other compensation as the legislative body prescribes.

33115. For inefficiency, neglect of duty, or misconduct in office, a member may be removed by the appointing officer, but only after he has been given a copy of the charges at least 10 days prior to a public hearing on them and has had an opportunity to be heard in person or by counsel. If a member is removed, a record of the proceedings and the charges and findings shall be filed in the office of the clerk of the community.

Article 3. Nature, Jurisdiction, and General Powers of Agencies

33120. The territorial jurisdiction of the agency of a county is the unincorporated territory in the county, and that of a city or city and county is the territory within its limits.

33121. The powers of each agency are vested in the members in office.

33122. Each redevelopment agency exercises governmental functions and has the powers prescribed in this part.

33123. Each agency is performing a public function of the community.

33124. All property of an agency, including funds, owned or held by it for the purposes of this part shall be exempt from levy and sale by virtue of an execution or other judicial process. Execution or other judicial process shall not issue against such property of an agency nor shall any judgment against an agency be a charge or lien upon such property. This section does not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage, deed of trust, or other encumbrance of an agency or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an agency on its rents, fees, or revenues.

33125. An agency may:

- (a) Sue and be sued.
- (b) Have a seal.
- (c) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers.
- (d) Make, amend, and repeal bylaws and regulations not inconsistent with, and to carry into effect, the powers and purposes of this part.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

33126. An agency may select, appoint, and employ such permanent and temporary officers, agents, counsel, and employees as it requires, and determine their qualifications, duties, benefits, and compensation, subject only to the conditions and restrictions imposed by the legislative body on the expenditure or encumbrance of the budgetary funds appropriated to the community redevelopment agency administrative fund.

33127. An agency may:

(a) Obtain, hire, purchase, or rent office space, equipment, supplies, insurance, or services.

(b) Authorize and pay the travel expenses of agency members, officers, agents, counsel, and employees on agency business.

33128. For the purposes of the agency, it shall have access to the services and facilities of the planning commission, the city engineer, and other departments and offices of the community.

33129. The grant of money appropriated by the legislative body of the community to the community redevelopment agency administrative fund is not to be construed as making the agency a department of the community or placing the officers, agents, counsel, and employees under civil service of the community.

33130. No agency or community officer or employee who in the course of his duties is required to participate in the formulation of or to approve plans or policies for the redevelopment of a project area shall acquire any interest in any property included within a project area within the community. If any such officer or employee owns or has any direct or indirect financial interest in such property, he shall immediately make a written disclosure of it to the agency and the legislative body which shall be entered on their minutes. Failure to so disclose constitutes misconduct in office.

33131. An agency may:

(a) From time to time prepare and carry out plans for the improvement, rehabilitation, and redevelopment of blighted areas.

(b) Disseminate redevelopment information.

33132. The agency may accept financial assistance from public or private sources as authorized by Chapter 6 (commencing with Section 33600) or any other provision in this part.

33133. The agency may accept any other assistance from the state or federal government or any public or private source for any redevelopment project within its area of operation or for the agency's activities, powers, and duties.

33134. Within the redevelopment area or for purposes of redevelopment an agency may insure or provide for the insurance of any operations of the agency against risks or hazards.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

Article 4. Suspension and Dissolution of Agencies

33140. If an agency has not redeveloped or acquired land for, or commenced the redevelopment of, a project, or entered into contracts for redevelopment within two years after the adoption of an ordinance pursuant to Section 33101, or, in the case of an agency authorized to transact business and exercise powers by resolution adopted pursuant to the provisions of Section 33101 which were in effect prior to the adoption of such resolution, the legislative body may by ordinance declare that there is no further need for the agency. Upon the adoption of the ordinance the offices of the agency members are vacated and the capacity of the agency to transact business or exercise any powers is suspended until the legislative body adopts an ordinance declaring the need for the agency to function.

33141. The legislative body of the community may order the dissolution of an agency if the agency has no outstanding bonded indebtedness, and if the unanimous written consent of the members of the agency is first obtained.

CHAPTER 3. OTHER ENTITIES UNDERTAKING OR ASSISTING REDEVELOPMENT

Article 1. Legislative Body as the Agency

33200. As an alternative to the appointment of five members of the agency, the legislative body may, at the time of the adoption of an ordinance pursuant to Section 33101 or 33140 of this part declare itself to be the agency in which case, all the rights, powers, duties, privileges and immunities, vested by this part in an agency shall be vested in the legislative body of the community.

A legislative body which has declared itself to be the agency pursuant to this section may at any time by resolution determine that it shall no longer function as an agency, in which event, the mayor or chairman of the board of supervisors with the approval of the legislative body shall appoint five (5) or seven (7) resident electors of the community as members of the agency.

33201. A chartered city may enact its own procedural ordinance and exercise the powers granted by this part.

33202. An agency is authorized to delegate to a community any of the powers or functions of the agency with respect to the planning or undertaking of a redevelopment project in the area in which such community is authorized to act, and such community is hereby authorized to carry out or perform such powers or functions for the agency.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

Article 2. Joint Exercise or Delegation of Power to Redevelop

33210. Two or more agencies within two or more communities may jointly exercise the powers granted under this part. In such case the agencies, the planning commissions, and the legislative bodies may hold joint hearings and meetings, or the legislative bodies of the communities acting separately may each designate the agency of one of the communities to act as the agency for all of the interested communities.

33211. If one agency is designated, it shall obtain the report and recommendation of the planning commission of each community on the redevelopment plan and its conformity to the master or general plan of each community before presenting the redevelopment plan to the respective legislative bodies for adoption.

33212. The designated agency and each planning commission shall co-operate in formulating redevelopment plans.

33213. By ordinance the legislative body of a community may authorize the redevelopment of an area within its territorial limits by another community if such area is contiguous to such other community. The ordinance shall designate the community to undertake such redevelopment. The community so authorized may undertake the redevelopment of such area in all respects as if the area was within its territorial limits and its legislative body, agency, and planning commission shall have all the rights, powers, and privileges with respect to such area as if it was within the territorial limits of the community so authorized. Neither the legislative body, agency nor planning commission of the community so authorizing shall be required to comply with any requirements of this part except as set forth in this section. Any redevelopment plan for such area shall be approved by ordinance enacted by the legislative body of the community so authorizing.

Article 3. Aid, Assistance, and Co-operation

33220. For the purpose of aiding and co-operating in the planning, undertaking, construction, or operation of redevelopment projects located within the area in which it is authorized to act, any public body, upon the terms and with or without consideration as it determines, may:

(a) Dedicate, sell, convey, or lease any of its property to a redevelopment agency.

(b) Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

furnished adjacent to or in connection with redevelopment projects.

(c) Furnish, dedicate, close, vacate, pave, install, grade, re-grade, plan, or replan streets, roads, roadways, alleys, sidewalks, or other places which it is otherwise empowered to undertake.

(d) Plan or replan, zone or rezone any part of such area and make any legal exceptions from building regulations and ordinances.

(e) Enter into agreements with the federal government, an agency, or any other public body respecting action to be taken pursuant to any of the powers granted by this part or any other law; such agreements may extend over any period, notwithstanding any law to the contrary.

(f) Purchase or legally invest in any of the bonds of an agency and exercise all of the rights of any holder of such bonds.

(g) Purchase and buy or otherwise acquire land in a project area from an agency for redevelopment in accordance with the plan, and in connection therewith, is hereby authorized to become obligated in accordance with Section 33437 except that subdivision (b) of Section 33437 shall apply to a public body only to the extent that it is authorized (and funds have been made available) to make the redevelopment improvements or structures required.

33221. The bonds and obligations issued by an agency also may be purchased, invested in, or used for security as authorized in Section 33663.

CHAPTER 4. REDEVELOPMENT PROCEDURES AND ACTIVITIES

Article 1. Community Prerequisites

33300. Before any area is designated for redevelopment, the community authorized to undertake such development shall comply with the requirements of this article.

33301. The community shall have a planning commission.

33302. The community shall have a master or general community plan adopted by the planning commission or the legislative body. The plan shall include all of the following:

(a) The general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other major public utilities and facilities.

(b) A land-use plan which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, recreation, education, public buildings and grounds, and other categories of public and private uses of land.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

(c) A statement of the standards of population density and building intensity recommended for the various districts and other territorial units, and estimates of future population growth in the territory covered by the plan, all correlated with the land-use plan.

(d) Maps, plans, charts, or other descriptive matter showing the areas in which conditions are found indicating the existence of blighted areas.

Article 2. Designation of Redevelopment Areas

33310. Redevelopment areas may be designated by resolution of the legislative body, or the legislative body may by resolution authorize the designation of redevelopment areas by resolution of the planning commission or by resolution of the members of the agency.

33311. Any person, group, association or corporation may in writing, request the legislative body (or the planning commission or the agency if they are authorized by the legislative body to designate redevelopment areas) to designate a redevelopment area or areas for project study purposes, and may submit with their request plans showing the proposed redevelopment of such areas or any part or parts thereof.

33312. The resolution designating a redevelopment area or areas shall contain the following:

(a) A finding that the area requires study to determine if a redevelopment project or projects within said area are feasible;

(b) A description of the boundaries of the area designated.

Article 3. Selection of Project Area and Formulation of Preliminary Plans

33320.1. "Project area" means an area of a community which is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in this part, and which is selected by the planning commission pursuant to Section 33322.

33321. A project area need not be restricted to buildings, improvements, or lands which are detrimental or inimical to the public health, safety, or welfare, but may consist of an area in which such conditions predominate and injuriously affect the entire area. A project area may include lands, buildings, or improvements which are not detrimental to the public health, safety or welfare, but whose inclusion is found necessary for the effective redevelopment of the area of which they are a part.

33322. On its own motion, or at the request of the agency the planning commission may or at the direction of the legis-

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

lative body or upon the written petition of the owners in fee of majority in area of any redevelopment area, excluding publicly owned areas or areas dedicated to a public use, the planning commission shall, select one or more project areas comprising all or part of such redevelopment area, and formulate a preliminary plan for the redevelopment of each project area.

33323. The agency and planning commission shall cooperate in the selection of project areas and in the preparation of the preliminary plan.

33324. A preliminary plan need not be detailed and is sufficient if it:

(a) Describes the boundaries of the project area.

(b) Contains a general statement of the land uses, layout of principal streets, population densities and building intensities and standards proposed as the basis for the redevelopment of the project area.

(c) Shows how the purposes of this part would be attained by such redevelopment.

(d) Shows that the proposed redevelopment conforms to the master or general community plan.

33325. The planning commission shall submit the preliminary plan for each project area to the agency.

Article 4. Preparation and Adoption of Redevelopment Plans by the Agency

33330. Each agency shall prepare or cause to be prepared, or adopt, a redevelopment plan for each project area and for that purpose may hold hearings and conduct examinations, investigations, and other negotiations. The agency shall consult with the planning commission of the community in preparing a redevelopment plan.

33331. Every redevelopment plan shall conform to the master or general community plan insofar as the latter applies to the project area.

33332. Every redevelopment plan shall be based upon the preliminary plan.

33333. Every redevelopment plan shall show by diagram and in general terms:

(a) The approximate amount of open space to be provided and street layout.

(b) Limitations on type, size, height, number, and proposed use of buildings.

(c) The approximate number of dwelling units.

(d) The property to be devoted to public purposes and the nature of such purposes.

33334. Every redevelopment plan shall describe the proposed method of financing the redevelopment of the project

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

area in sufficient detail so that the legislative body may determine the economic feasibility of the plan.

33335. Every redevelopment plan shall provide for the agency to lease or sell all real property acquired by it in any project area, except property conveyed by it to the community.

33336. Every redevelopment plan shall:

(a) Contain adequate safeguards that the work of redevelopment will be carried out pursuant to the plan;

(b) Provide for the retention of controls and the establishment of any restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as the legislative body deems necessary to effectuate the purposes of this part. The establishment of such controls is a public purpose under the provisions of this part.

33337. Every redevelopment plan or urban renewal plan shall contain a provision requiring submission to the community redevelopment agency for approval, all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of any land in a redevelopment project or an urban renewal project, and such deeds, leases or contracts shall contain the nondiscrimination clauses prescribed in Section 33436.

33338. Every redevelopment plan shall contain other covenants, conditions, and restrictions which the legislative body prescribes.

33339. Every redevelopment plan shall provide for participation in the redevelopment of property in the project area by the owners of all or part of such property if the owners agree to participate in the redevelopment in conformity with the redevelopment plan adopted by the legislative body for the area.

33339.5. Every redevelopment agency shall extend reasonable preference to persons who are engaged in business in the project area to re-enter in business within the redeveloped area if they otherwise meet the requirements prescribed by the redevelopment plan.

With respect to each redevelopment project, each agency shall, within a reasonable time before its adoption of the redevelopment plan adopt and make available for public inspection rules to implement the operation of this section in connection with the plan.

(Added by Stats. 1963, Ch. 1615.)

33340. Every redevelopment plan which contemplates property owner participation in the redevelopment shall contain alternative provisions for redevelopment of the property if the owners fail to participate in the redevelopment as agreed.

33341. Redevelopment plans may provide for the agency to issue bonds and expend the proceeds from their sale in

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

carrying out the redevelopment plan. If such an issuance is provided for, the redevelopment plan shall also contain adequate provision for the payment of principal and interest when they become due and payable.

33342. Redevelopment plans may provide for the agency to acquire by gift, purchase, lease, or condemnation all or part of the real property in the project area.

33343. Redevelopment plans may provide for the expenditure of money by the community.

33344. Redevelopment plans may provide for the community to undertake and complete any proceedings necessary to carry out the project.

33345. With respect to each redevelopment project, each agency shall, within a reasonable time before its adoption of the redevelopment plan adopt and make available for public inspection rules to implement the operation of owner participation in connection with the plan.

33346. Before the redevelopment plan of each project area is submitted to the legislative body, it shall be submitted to the planning commission for its report and recommendation concerning the redevelopment plan and its conformity to the master or general community plan adopted by the planning commission or the legislative body. The planning commission may recommend for or against the approval of the redevelopment plan.

33347. Within 30 days after a redevelopment plan is submitted to it for consideration, the planning commission shall make and file its report and recommendation with the agency. If the planning commission does not report upon the redevelopment plan within 30 days after its submission by the agency, the planning commission shall be deemed to have waived its report and recommendations concerning the plan and the agency may proceed to act upon the plan without the report and recommendations of the planning commission.

33348. Before the adoption of a redevelopment plan by the agency, the agency shall conduct a public hearing on it.

33349. The agency shall publish notice of the hearing not less than once a week for four successive weeks prior to the hearing. The notice shall be published in a newspaper of general circulation, printed and published in the community, or if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the boundaries of the area or areas designated in the proposed redevelopment plan and a general statement of the scope and objectives of the plan. Copies of the notices shall be mailed to the last known assessee of each parcel of land in the area designated in the redevelopment plan, at his last known address as shown on the last equalized assessment roll of the county; or where a

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

city assesses, levies, and collects its own taxes, as shown on the last equalized assessment roll of the city.

(Amended by Stats. 1963, Ch. 1343.)

33350. Each assessee whose property would be subject to acquisition by purchase or condemnation under the plan shall be sent a statement to that effect attached to his notice of the hearing. Alternatively, a list or map of all properties which would be subject to acquisition by purchase or condemnation under the plan may be mailed to assessees with the notices of hearing.

33351. Upon the preparation or adoption of a redevelopment plan the agency shall submit it to the legislative body.

33352. Every redevelopment plan submitted by the agency to the legislative body shall be accompanied by a report containing:

- (a) The reasons for the selection of the project area.
- (b) A description of the physical, social, and economic conditions existing in the area.
- (c) A financial analysis of the proposed redevelopment.
- (d) A method or plan for the relocation of families and persons to be temporarily or permanently displaced from housing facilities in the project area.
- (e) An analysis of the preliminary plan.
- (f) The report and recommendations of the planning commission.

Article 5. Procedure for Adoption of Redevelopment Plans by the Legislative Body

33360. The legislative body at a public hearing shall consider the redevelopment plan submitted by the agency. The legislative body may adjourn the hearing from time to time.

33361. Notice of the public hearing shall be given by publication not less than once a week for four successive weeks in a newspaper of general circulation published in the county in which the land lies. The notice shall:

- (a) Describe specifically the boundaries of the proposed redevelopment project area; and
- (b) State the day, hour and place when and where any and all persons having any objections to the proposed redevelopment plan or who deny the existence of blight in the proposed project area, or the regularity of any of the prior proceedings, may appear before the legislative body and show cause why the proposed plan should not be adopted.

33362. At any time not later than the hour set for hearing objections to the proposed redevelopment plan, any person may file in writing with the clerk of the legislative body a statement of his objections to the proposed plan.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

33363. At the hour set in the notice required by Section 33361 for hearing objections, the legislative body shall proceed to hear and pass upon all written and oral objections. Before adopting the redevelopment plan the legislative body shall consider the report of the agency, and all evidence and testimony for and against the adoption of the plan.

33364. If no objections in writing have been delivered to the clerk of the legislative body prior to the hour set for the hearing thereon, if no oral objections are presented during the hearing thereon, or if the objections are overruled by the legislative body, the legislative body may proceed to adopt the plan.

33365. The legislative body by ordinance may adopt the redevelopment plan as the official redevelopment plan for the project area.

33366. If the planning commission has recommended against the approval of the redevelopment plan, the legislative body may adopt such plan by a two-thirds vote of its entire membership. If the planning commission has recommended approval or failed to make any recommendation within the time allowed, the legislative body may adopt the redevelopment plan by a majority vote of the entire membership.

33367. The ordinance shall contain:

(a) A legal description of the boundaries of the project area covered by the redevelopment plan.

(b) The purposes and intent of the legislative body with respect to the project area.

(c) The plan incorporated by reference.

(d) A designation of the approved plan as the official redevelopment plan of the project area.

(e) The findings and determinations of the legislative body that:

(1) The project area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in this part.

(2) The redevelopment plan would redevelop the area in conformity with this part and in the interests of the public peace, health, safety, and welfare.

(3) The adoption and carrying out of the redevelopment plan is economically sound and feasible.

(4) The redevelopment plan conforms to the master or general plan of the community.

(5) The carrying out of the redevelopment plan would promote the public peace, health, safety, and welfare of the community and would effectuate the purposes and policy of this part.

(6) The condemnation of real property, if provided for in the redevelopment plan, is necessary to the execution of the

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

redevelopment plan and adequate provisions have been made for payment for property to be acquired as provided by law.

(7) The agency has a feasible method or plan for the relocation of families and persons displaced from the project area, if the redevelopment plan may result in the temporary or permanent displacement of any occupants of housing facilities in the project area.

(8) There are or are being provided in the project area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons displaced from the project area, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment.

(f) A statement that the legislative body is satisfied permanent housing facilities will be available within three years from the time occupants of the project area are displaced and that pending the development of such facilities there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement.

33368. The decision of the legislative body shall be final and conclusive, and it shall thereafter be conclusively presumed that the project area is a blighted area as defined by Sections 33031 through 33034 and that all prior proceedings have been duly and regularly taken.

33369. If the plan provides for the expenditure of any money by the community, the legislative body shall provide for such expenditure at the time of or in connection with the approval of the plan.

33370. The legislative body at the time of, or in connection with, the adoption of the plan, shall declare its intention to undertake and complete any proceedings necessary to be carried out by the community under the provisions of the plan.

33371. Before entering into any or certain types of contracts in connection with the redevelopment plan, the legislative body may require the agency to submit such contracts to the legislative body and obtain its approval.

33372. Upon the filing of the ordinance adopting the redevelopment plan with the clerk or other appropriate officer of the legislative body, a copy of the ordinance shall be sent to the agency, and the agency is vested with the responsibility for carrying out the plan.

33373. After the adoption of the redevelopment plan by the legislative body there shall be recorded with the county recorder of the county in which the project area is situated a

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

description of the land within the project area and a statement that proceedings for the redevelopment of the project area have been instituted under this part. Recordation in compliance with the provisions of Section 27295 of the Government Code shall, to the extent applicable, be effected as promptly as practicable following the adoption of the redevelopment plan by the legislative body.

33374. After the adoption of a redevelopment plan for a project area by the legislative body, all applicants for building permits in the area for a period of two years thereafter shall be advised by the building department of the community that the site for which a building permit is sought for the construction of buildings or for other improvements is within a redevelopment project area.

33375. After the adoption by the legislative body of a redevelopment plan which contains the provision permitted by Section 33670, the clerk of the community shall transmit a copy of the ordinance adopting the plan to the auditor and tax assessor of the county in which the project is located; to the officer or officers performing the functions of auditor or assessor for any taxing agencies which, in levying or collecting its taxes, do not use the county assessment roll or do not collect its taxes through the county; and to the governing body of each of the taxing agencies which levies taxes upon any property in the project area.

(Added by Stats. 1963, Ch. 1343.)

Article 6. Owner Participation

33380. An agency shall permit owner participation in the redevelopment of property in the project area in conformity with the redevelopment plan adopted by the legislative body for the area.

33381. If the redevelopment plan adopted provides for participation in the redevelopment of property in the area by the owners of such property, and the owners fail or refuse to enter into a binding agreement for participation in accordance with the rules adopted by the agency pursuant to Section 33339, the alternative provisions provided for in Section 33340 become effective as the official redevelopment plan of the project area.

Article 7. Property Acquisition

33390. "Real property" means:

(a) Land, including land under water and waterfront property.

(b) Buildings, structures, fixtures, and improvements on the land.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

(c) Any property appurtenant to or used in connection with the land.

(d) Every estate, interest, privilege, easement, franchise, and right in land, including rights-of-way, terms for years, and liens, charges, or encumbrances by way of judgment, mortgage, or otherwise and the indebtedness secured by such liens.

33391. Within the redevelopment area or for purposes of redevelopment an agency may:

(a) Purchase, lease, obtain option upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal property, any interest in property, and any improvements on it.

(b) Acquire real property by eminent domain.

33392. Notwithstanding any other provision of this part, an agency with the approval of the legislative body of the community may acquire, by negotiation or other means, real property in a project area at any time after formulation of the preliminary plan for such area by the planning commission, and prior to the adoption of the redevelopment plan by the legislative body of the community, provided, however, an agency may not exercise the power of eminent domain in connection with such acquisition prior to adoption of the redevelopment plan.

33393. An agency shall not acquire from any of its members or officers any property or interest in property except through eminent domain proceedings.

33394. Without the consent of an owner, an agency shall not acquire any real property on which an existing building is to be continued on its present site and in its present form and use unless such building requires structural alteration, improvement, modernization or rehabilitation, or the site or lot on which the building is situated requires modification in size, shape or use or it is necessary to impose upon such property any of the standards, restrictions and controls of the plan and the owner fails or refuses to agree to participate in the redevelopment plan pursuant to Sections 33339, 33345, 33380 and 33381.

33395. Property already devoted to a public use may be acquired by the agency through eminent domain, but property of a public body shall not be acquired without its consent.

Article 8. Property Management

33400. Within the redevelopment area or for purposes of redevelopment an agency may:

(a) Insure or provide for the insurance of any real or personal property of the agency against risks or hazards.

(b) Rent, maintain, manage, operate, repair, and clear such real property.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

33401. The agency may in any year during which it owns property in a redevelopment project pay to any city, county, city and county, district or other public corporation which would have levied a tax upon such property had it not been exempt, an amount of money in lieu of taxes.

33402. This part does not authorize an agency to own or operate rental property acquired and rehabilitated in prospect of resale beyond a reasonable period necessary to effect such resale.

Article 9. Relocation of Persons Displaced by Projects

33410. A redevelopment agency may, in order to facilitate the rehousing of families and single persons who are displaced from their homes in a project area, utilize the aids made available through federal urban renewal, redevelopment and housing legislation and may use funds derived from any public or private source to carry out the purposes of this section.

33411. The agency shall prepare a feasible method or plan for relocation of families and persons to be temporarily or permanently displaced from housing facilities in the project area.

33412. Permanent housing facilities shall be made available within three years from the time occupants are displaced and that pending the development of such facilities there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement.

33413. (Repealed by Stats. 1963, Ch. 1343.)

33414. An agency may operate a rehousing bureau to assist site occupants in obtaining adequate temporary or permanent housing. It may incur any necessary expenses for this purpose.

33415. An agency may make relocation payments to or with respect to persons (including families, business concerns and others) displaced by a redevelopment project, for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government.

Article 10. Demolition, Clearance, Project Improvements, and Site Preparation

33420. Within the redevelopment area or for purposes of redevelopment an agency may clear buildings, structures, or other improvements from any real property acquired.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

33421. An agency may develop as a building site any real property owned or acquired by it. In connection with such development it may cause, provide or undertake or make provision with other agencies for the installation, or construction of streets, utilities, parks, playgrounds and other public improvements necessary for carrying out in the project area the redevelopment plan.

33422. Any work of grading, clearing, demolition, or construction in excess of one thousand five hundred dollars (\$1,500) undertaken by the agency shall be done by contract after competitive bids.

33423. Before awarding any contract for such work to be done in a project, the agency shall ascertain the general prevailing rate of per diem wages in the locality in which the work is to be performed, for each craft or type of workman needed to execute the contract or work, and shall specify in the call for bids for the contract and in the contract such rate and the general prevailing rate for regular holiday and overtime work in the locality, for each craft or type of workman needed to execute the contract.

33424. The contractor to whom the contract is awarded and any subcontractor under him shall pay not less than the specified prevailing rate of wages to all workmen employed in the execution of the contract.

33425. As a penalty to the agency which awarded the contract, the contractor shall forfeit ten dollars (\$10) for each calendar day or portion thereof for each workman paid less than the stipulated prevailing rates for any public work done under the contract by him or by any subcontractor under him. A stipulation to this effect shall be included in the contract.

33426. Each contractor and subcontractor shall keep an accurate record showing the name, occupation, and actual per diem wages paid to each workman employed by him in connection with the work. The record shall be kept open at all reasonable hours to the inspection of the agency.

33427. An agency shall require each successful bidder to file with it good and sufficient bonds, to be approved by it. The bonds shall be conditioned upon the faithful performance of the contract and upon the payment of all claims for labor and material in connection with the contract. The bonds shall contain the terms and conditions set forth in Chapter 3 (commencing with Section 4200), Division 5, Title I of the Government Code and are subject to the provisions of that chapter.

Article 11. Property Disposition, Rehabilitation and Development

33430. Within the redevelopment area or for purposes of redevelopment an agency may sell, lease, exchange, subdivide,

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

transfer, assign, pledge, encumber by mortgage, deed of trust, or otherwise, or otherwise dispose of any real or personal property or any interest in property.

33431. Any lease or sale made pursuant to Section 33430 may be made without public bidding but only after a public hearing, notice of which shall be given by publication for not less than once a week for two weeks in a newspaper of general circulation published in the county in which the land lies.

33432. An agency shall lease or sell all real property acquired by it in any project area, except property conveyed by it to the community. Any such lease or sale shall be conditioned on the redevelopment and use of the property in conformity with the redevelopment plan.

33433. No real or personal property, or any interest therein, acquired or constructed in whole or in part with money from the redevelopment revolving fund shall be sold or leased for an amount less than its fair value for uses in accordance with the redevelopment plan as determined by resolution or ordinance of the legislative body.

33434. If any property acquired in whole or in part from the redevelopment revolving fund is to be sold or leased by the agency, the sale or lease shall be first approved by the legislative body by resolution adopted after public hearing. Notice of the time and place of the hearing shall be published once in the official newspaper of the community at least one week prior to the hearing. The resolution shall be adopted by a majority vote unless the legislative body has provided by ordinance for a two-thirds vote for such purpose.

33435. Agencies shall obligate lessees and purchasers of real property acquired in redevelopment or urban renewal projects and owners of property improved as a part of a redevelopment or urban renewal project to refrain from restricting the rental, sale, or lease of the property on the basis of race, color, religion, ancestry, or national origin of any person. All deeds, leases, or contracts for the sale, lease, sublease, or other transfer of any land in a redevelopment project or an urban renewal project shall be submitted to the agency for approval, and such deeds, leases, or contracts, shall contain the nondiscrimination or nonsegregation clauses hereafter prescribed.

33436. Express provisions shall be included in all deeds, leases and contracts which the agency proposes to enter into with respect to the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of any land in a redevelopment project or an urban renewal project in substantially the following form:

(a) In deeds the following language shall appear—"The grantee herein covenants by and for himself, his heirs, execu-

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

tors, administrators, and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises herein conveyed, nor shall the grantee himself or any person claiming under or through him, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the premises herein conveyed. The foregoing covenants shall run with the land."

(b) In leases the following language shall appear—"The lessee herein covenants by and for himself, his heirs, executors, administrators, and assigns, and all persons claiming under or through him, and this lease is made and accepted upon and subject to the following conditions:

That there shall be no discrimination against or segregation of any person or group of persons, on account of race, color, creed, national origin, or ancestry, in the leasing, subleasing, transferring, use, occupancy, tenure, or enjoyment of the premises herein leased nor shall the lessee himself, or any person claiming under or through him, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy, of tenants, lessees, sublessees, subtenants, or vendees in the premises herein leased."

(c) In contracts entered into by the agency relating to the sale, transfer, or leasing of land or any interest therein acquired by the agency within any redevelopment or urban renewal area or project the foregoing provisions in substantially the forms set forth shall be included and such contracts shall further provide that the foregoing provisions shall be binding upon and shall obligate the contracting party or parties and any subcontracting party or parties, or other transferees under the instrument.

33437. An agency may obligate lessees or purchasers of property acquired in a redevelopment project to:

(a) Use the property for the purpose designated in the redevelopment plans.

(b) Begin the redevelopment of the project area within a period of time which the agency fixes as reasonable.

(c) Comply with other conditions which the agency deems necessary to carry out the purposes of this part.

33438. The agency may provide in the contract that any of the obligations of the purchaser are covenants or conditions running with the land, the breach of which shall cause the fee to revert to the agency.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

33439. The agency shall retain controls and establish restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as are provided in the redevelopment plan. The establishment of such controls is a public purpose under the provisions of this part.

33440. This part does not authorize an agency to construct any of the buildings for residential, commercial, industrial, or other use contemplated by the redevelopment plan.

33441. If it appears to the agency that it is in the public interest that land to be acquired as part of a redevelopment project should be used in whole or in part as a site for a low-rent public housing project, such land shall be made available to the housing authority undertaking the low-rent public housing project at a price equal to the fair value of the land to a private redeveloper who wants to buy a site in the community for private rental housing with physical characteristics similar to those of the proposed low-rent housing project.

33442. An agency may sell, lease, grant, or donate real property owned or acquired by the agency in a redevelopment area to a housing authority or to any public agency for public housing projects.

33443. Property acquired by an agency for rehabilitation and resale shall be offered for resale within one year after completion of rehabilitation, or an annual report shall be published by the agency in a newspaper of general circulation published in the community listing any rehabilitated property held by the agency in excess of such one-year period, stating the reasons such property remains unsold and indicating plans for its disposition.

33444. In undertaking rehabilitation of structures pursuant to this part, every redevelopment agency shall, on or before February 15th of each year, commencing with February 15, 1963, render a report to the Legislature setting forth in detail the activities of the agency involving rehabilitation, including, but not limited to, each of the following:

- (a) Expenditure of public funds.
- (b) Number and kinds of units rehabilitated.
- (c) Disposition of rehabilitated units.

Article 12. Amendment of Redevelopment Plans

33450. If at any time after the adoption of a redevelopment plan for a project area by the legislative body, it becomes necessary or desirable to amend or modify such plan, the legislative body may amend such plan upon the recommendation of the agency.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

33451. Before recommending amendment of the plan the agency shall hold a public hearing on the proposed amendment.

33452. Notice of such hearing shall be published pursuant to Section 6063 of the Government Code prior to the date of hearing in a newspaper of general circulation, printed and published in the community, or, if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the boundaries of the project area by reference to the description recorded with the county recorder pursuant to Section 33373 and a general statement of the purpose of the amendment. Copies of the notices shall be mailed to the last known assessee of each parcel of land within such boundaries, at his last known address as shown on the last equalized assessment roll of the county; or where a city assesses, levies, and collects its own taxes, as shown on the last equalized assessment roll of the city, and to persons, firms, or corporations which have acquired property within such boundaries from the agency, at his last known address as shown by the records of the agency. The notice shall be mailed by certified mail with return receipt requested.

(Amended by Stats. 1963, Ch. 1343.)

33453. If after the public hearings the agency recommends substantial changes in the plan which affect the master or community plan adopted by the planning commission or the legislative body, such changes shall be submitted to the planning commission for its report and recommendation to the legislative body within 30 days after such submission.

33454. After receiving the recommendation of the agency concerning such changes in the plan, and not sooner than 30 days after the submission of changes to the planning commission, the legislative body shall hold a public hearing on the proposed amendment, notice of which hearing shall be published in a newspaper in the manner and at the times designated above for notice of hearing by the agency.

33455. If after such hearing the legislative body determines that the amendments in the plan, proposed by the agency, are necessary or desirable, the legislative body shall adopt an ordinance amending the ordinance adopting the plans thus amended.

33456. Amendments to a plan adopted pursuant to this article shall be recorded in compliance with Section 27295 of the Government Code as promptly as practicable following adoption by the legislative body.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

CHAPTER 5. LEGAL ACTIONS

Article 1. Actions Involving Redevelopment Plans or Bonds

33500. No action attacking or otherwise questioning the validity of any redevelopment plan, or the adoption or approval of such plan, or any of the findings or determinations of the agency or the legislative body in connection with such plan shall be brought prior to the adoption of the redevelopment plan nor at any time after the elapse of 60 days from and after the date of adoption of the ordinance adopting the plan.

33501. An action may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure to determine the validity of bonds and the redevelopment or renewal plan to be financed or refinanced, in whole or in part, by the bonds, or to determine the validity of a redevelopment or renewal plan not financed by bonds, including without limiting the generality of the foregoing, the legality and validity of all proceedings theretofore taken for or in any way connected with the establishment of the agency, its authority to transact business and exercise its powers, the designation of the redevelopment or renewal area, the formulation of the preliminary plan, and the adoption of the redevelopment or renewal plan, and also including the legality and validity of all proceedings theretofore taken and (as provided in the bond resolution) proposed to be taken for the authorization, issuance, sale and delivery of the bonds and for the payment of the principal thereof and interest thereon.

33502. The judgment shall determine the validity or invalidity respectively of the matters specified in Section 33501. The judgment shall be subject to being reopened under the provisions of Section 473 or Section 473a of the Code of Civil Procedure or otherwise only within 90 days after the entry of the judgment and petitioner and any person who has appeared in the special proceeding shall have the right to move for a new trial under proper circumstances and upon appropriate grounds and to appeal from the judgment.

33503. The judgment, if no appeal is taken, or if taken and the judgment is affirmed shall be forever binding and conclusive, as to all matters therein adjudicated or which at that time could have been adjudicated, against the agency and against all other parties and if the judgment determines that the agency is lawfully established, that the redevelopment or renewal plan is valid and effective, that the agency is authorized to issue such bonds and that such bonds when issued

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

will be valid, the judgment shall permanently enjoin the institution by any person of any action or proceeding raising any issue as to which the judgment is binding and conclusive.

33504. Other actions by obligees are authorized by Sections 33660 and 33661.

Article 2. Actions for Money or Damages

33510. All claims for money or damages against the agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Amended by Stats. 1963, Ch. 1715. See note following Section 954.)

CHAPTER 6. FINANCIAL PROVISIONS

Article 1. General

33600. An agency may accept financial or other assistance from any public or private source, for the agency's activities, powers, and duties, and expend any funds so received for any of the purposes of this part.

33601. An agency may borrow money or accept financial or other assistance from the State or the federal government for any redevelopment project within its area of operation, and may comply with any conditions of such loan or grant.

33602. "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by an agency pursuant to Article 5 (commencing with Section 33640) of this chapter.

33603. An agency may invest any money held in reserves or sinking funds, or any money not required for immediate disbursement, in property or securities in which savings banks may legally invest money subject to their control.

Article 2. Community Redevelopment Agency Administrative Fund

33610. At any time after the agency created for any community becomes authorized to transact business and exercise its powers, the legislative body of the community may appropriate to the agency such amounts as the legislative body deems necessary for the administrative expenses and overhead of the agency. The money appropriated may be paid to the agency as a grant to defray the expenses and overhead, or as a loan to be repaid upon such terms and conditions as the legislative body may provide.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

In addition to the common understanding and usual interpretation of the term, "administrative expense" includes, but is not limited to, expenses of redevelopment planning and dissemination of redevelopment information.

33611. Each agency transacting business and exercising powers under this part shall annually submit to the legislative body of the community a proposed budget of its administrative expenses.

33612. The legislative body may adopt an annual budget for the administrative expenses of the agency in such amounts as it deems necessary and may provide such conditions and restrictions upon the expenditure or encumbrance of the money appropriated pursuant to the budget as it deems advisable.

33613. The money appropriated for administrative expenses shall be kept in the treasury of the community in a special fund to be known as the community redevelopment agency administrative fund, and money shall be drawn from the fund to meet the administrative expenses of the agency in substantially the same manner as money is drawn by other agencies and departments of the community subject to budgetary control.

33614. The money appropriated by the legislative body to the community redevelopment agency administrative fund is money granted by the community to defray the administrative expenses of the agency which is performing a public function of the community.

33615. Each such agency shall file with the legislative body a detailed report of all its transactions, including a statement of all revenues and expenditures, at monthly, quarterly, or annual intervals as the legislative body may prescribe.

Article 3. Redevelopment Revolving Fund

33620. At any time after it has adopted a resolution declaring that there is need for an agency to function in the community, the legislative body may establish a redevelopment revolving fund to be kept in the treasury of the community.

33621. For the purpose of raising money to be deposited in the redevelopment revolving fund, the legislative body may appropriate money or the community may issue and sell its general obligation bonds.

33622. By resolution of the legislative body adopted by a majority vote, any money in the redevelopment revolving fund may be expended from time to time for:

(a) The acquisition of real property in any project area.

(b) The clearance, aiding in relocation of site occupants, and preparation of any project area for redevelopment.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

33623. By resolution of the legislative body adopted by a two-thirds vote, any money in the redevelopment revolving fund may be paid to the agency, upon such terms and conditions as the legislative body may prescribe for any of the following purposes:

(a) Deposit in a trust fund to be expended for the acquisition of real property in any project area.

(b) The clearance of any project area for redevelopment.

(c) Any expenses necessary or incidental to the carrying out of a redevelopment plan which has been adopted by the legislative body.

33624. All money received by the agency from the sale, lease, or encumbering of property acquired with money from the redevelopment revolving fund in excess of the money required to repay the loans and interest thereon authorized by this part shall be redeposited in the fund.

33625. All other provisions of this part that relate to financing are subject to Sections 33433, 33434, and 33624.

33626. The legislative body of any community may abolish the redevelopment revolving fund whenever it finds that the purposes for which it was established have been accomplished.

The legislative body of any community may, with the consent of the agency, withdraw money from the redevelopment revolving fund whenever and to the extent that it finds that the amount of money therein exceeds the amount necessary to finance existing or planned purposes for which its expenditure is authorized by the provisions of this article. All money withdrawn from the fund by reason of its being reduced in size, or its abolition, and all money which, after abolition, would have been required to be deposited or redeposited in the fund, shall be transferred to the general obligation bond redemption fund of the community or to the general fund of the community, as directed by the legislative body.

(Amended by Stats. 1963, Ch. 1025.)

Article 4. Community Appropriations and General Obligation Bonds

33630. The community may issue and sell its general obligation bonds for the purpose of raising money to be deposited in the redevelopment revolving fund, providing funds with which to redeem before maturity, retire at maturity, or purchase agency bonds issued under Article 5 (commencing with Section 33640) of this chapter. General obligation bonds issued pursuant to this section may be authorized and issued in a principal amount sufficient to provide funds for the payment of any or all of the following:

(a) The principal amount of agency bonds proposed to be so redeemed, retired or purchased.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

(b) The estimated amount of any premiums required to be paid in connection with the redemption or purchase of such agency bonds.

(c) The estimated amount of any due and unpaid interest or accrued interest on such agency bonds which must be paid at the time the same are redeemed, retired or purchased.

(d) The estimated amount of all expenses incidental to or connected with the redemption, retirement or purchase of such agency bonds and the authorization, issuance and sale of such general obligation bonds.

All agency bonds redeemed, retired or purchased with the proceeds of such general obligation bonds shall be canceled and shall not be reissued.

33631. If the redevelopment plan contains the provision authorized by Section 33670, the agency and the legislative body of the community may, either before or after the authorization of general obligation bonds for the purposes permitted by Section 33630, enter into an agreement that the principal amount of any such general obligation bonds sold for such purposes, together with all interest which the community may pay thereon, shall constitute a loan by the community to the agency for the purpose of refinancing the redevelopment project, and that, subject to any prior pledge of or claim upon the moneys in the special fund provided for in said section 33670, the moneys accruing to such special fund are irrevocably pledged to the repayment of such loan until there has been repaid to the community from time to time from such special fund the principal amount of such general obligation bonds plus all interest which the community may pay thereon, less such part, if any, of the proceeds of such general obligation bonds which were not used for such purposes, and less any premiums and accrued interest received by the community upon the sale of such general obligation bonds.

33632. Any surplus existing in the general obligation bond redemption fund after payment of principal and interest shall be transferred to the general fund of the community.

33633. Except as otherwise provided in this part, any general obligation bonds issued by any community pursuant to this article shall be authorized and issued in the manner and within the limitations prescribed by law or the charter of the community for the issuance and authorization of such bonds for public purposes generally. Irrespective of any limitation as to the amount of general obligation bonds which may be issued a community may issue such bonds for the purposes prescribed in this article, in excess of the limitation, in such amount as may be authorized by the voters of the community at any general or special election.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

Article 5. Agency Bonds

33640. From time to time an agency may issue bonds for any of its corporate purposes. An agency may also issue refunding bonds for the purpose of paying or retiring bonds previously issued by it.

33641. An agency may issue such types of bonds as it may determine including bonds on which the principal and interest are payable:

(a) Exclusively from the income and revenues of the redevelopment projects financed with the proceeds of the bonds, or with such proceeds together with financial assistance from the state or federal government in aid of the projects.

(b) Exclusively from the income and revenues of certain designated redevelopment projects whether or not they were financed in whole or in part with the proceeds of the bonds.

(c) In whole or in part from taxes allocated to, and paid into a special fund of, the agency pursuant to the provisions of Article 6 (commencing with Section 33670) of this chapter.

(d) From its revenues generally.

(e) From any contributions or other financial assistance from the state or federal government.

(f) By any combination of these methods.

33642. Any of such bonds may be additionally secured by a pledge of any revenues or by an encumbrance by mortgage, deed of trust, or otherwise of any redevelopment project or other property of the agency or by a pledge of the taxes referred to in subdivision (c) of Section 33641, or by any combination thereof.

33643. Neither the members of an agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

33644. The bonds and other obligations of any agency are not a debt of the community, the State, or any of its political subdivisions and neither the community, the State, nor any of its political subdivisions is liable on them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the agency; and such bonds and other obligations shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

33645. The agency may authorize bonds by resolution. The resolution, trust indenture, or mortgage shall provide for:

(a) The issuance of the bonds in one or more series.

(b) The date the bonds shall bear.

(c) The maturity dates of the bonds.

(d) The interest rate, not exceeding the maximum rate fixed for bonds of cities under Chapter 4 (commencing with Section 43600), Division 4, Title 4 of the Government Code.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

- (e) The denomination of the bonds.
- (f) Their form, either coupon or registered.
- (g) The conversion or registration privileges carried by the bonds.
- (h) The rank or priority of the bonds.
- (i) The manner of their execution.
- (j) The medium of payment.
- (k) The place of payment.
- (l) The terms of redemption with or without premium to which the bonds are subject.

33646. The bonds may be sold at not less than par, at public sale held after notice published once at least five days prior to the sale in a newspaper of general circulation published in the community, or, if there is none, in a newspaper of general circulation published in the county. The bonds may be sold at not less than par to the federal government at private sale without any advertisement.

33647. If any agency member or officer whose signature appears on bonds or coupons ceases to be such member or officer before delivery of the bonds, his signature is as effective as if he had remained in office.

33648. Bonds issued pursuant to this part are fully negotiable.

33649. In any action or proceedings involving the validity or enforceability of any bonds or their security, any such bond reciting in substance that it has been issued by the agency to aid in financing a redevelopment project is conclusively deemed to have been issued for a redevelopment project and the project is conclusively deemed to have been planned, located, and constructed pursuant to this part.

33650. In connection with the issuance of bonds, and in addition to its other powers, an agency has the powers prescribed in Sections 33651 to 33659, inclusive.

33651. An agency may:

(a) Pledge all or any part of its gross or net rents, fees, or revenues to which its right then exists or may thereafter come into existence.

(b) Encumber by mortgage, deed of trust, or otherwise all or any part of its real or personal property, then owned or thereafter acquired.

33652. An agency may covenant:

(a) Against pledging all or any part of its rents, fees, and revenues.

(b) Against encumbering all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence.

(c) Against permitting any lien on such revenues or property.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

(d) With respect to limitations on its right to sell, lease, or otherwise dispose of all or part of any redevelopment project.

(e) As to what other, or additional debts or obligations it may incur.

33653. An agency may:

(a) Covenant as to the bonds to be issued, as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the bond proceeds.

(b) Provide for the replacement of lost, destroyed, or mutilated bonds.

(c) Covenant against extending the time for the payment of its bonds or interest.

(d) Redeem the bonds, covenant for their redemption, and provide the redemption terms and conditions.

33654. An agency may:

(a) Covenant as to the consideration or rents and fees to be charged in the sale or lease of a redevelopment project, the amount to be raised each year or other period of time by rents, fees, and other revenues, and as to their use and disposition.

(b) Create or authorize the creation of special funds for money held for redevelopment or other costs, debt service, reserves, or other purposes, and covenant as to the use and disposition of such money.

33655. An agency may prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds whose holders are required to consent thereto, and the manner in which such consent may be given.

33656. An agency may covenant:

(a) As to the use of any or all of its real or personal property.

(b) As to the maintenance of its real and personal property, its replacement, the insurance to be carried on it, and the use and disposition of insurance money.

33657. An agency may:

(a) Covenant as to the rights, liabilities, powers, and duties arising upon the breach by it of any covenant, condition, or obligation.

(b) Covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

33658. An agency may:

(a) Vest in a trustee or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

(b) Vest in a trustee the right, in the event of a default by the agency, to take possession of all or part of any redevelopment project, to collect the rents and revenues arising from it and to dispose of such money pursuant to the agreement of the agency with the trustee.

(c) Provide for the powers and duties of a trustee and limit his liabilities.

(d) Provide the terms and conditions upon which the trustee or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

33659. An agency may:

(a) Exercise all or any part or combination of the powers granted in Sections 33651 to 33658 inclusive.

(b) Make covenants other than and in addition to the covenants expressly authorized in such sections of like or different character.

(c) Make such covenants and to do any and all such acts and things as may be necessary, convenient, or desirable to secure its bonds, or, except as otherwise provided in this part, as will tend to make the bonds more marketable notwithstanding that such covenants, acts, or things may not be enumerated in this part.

33660. In addition to all other rights which may be conferred on him, and subject only to any contractual restrictions binding upon him, an obligee may:

(a) By mandamus, suit, action, or proceeding, compel the agency and its members, officers, agents, or employees to perform each and every term, provision, and covenant contained in any contract of the agency with or for the benefit of the obligee, and require the carrying out of any or all such covenants and agreements of the agency and the fulfillment of all duties imposed upon it by this part.

(b) By suit, action, or proceeding in equity, enjoin any acts or things which may be unlawful, or the violation of any of the rights of the obligee.

33661. By its resolution, trust indenture, mortgage, lease, or other contract, an agency may confer upon any obligee holding or representing a specified amount in bonds, the following rights upon the happening of an event or default prescribed in such resolution or instrument, to be exercised by suit, action, or proceeding in any court of competent jurisdiction:

(a) To cause possession of all or part of any redevelopment project to be surrendered to any such obligee.

(b) To obtain the appointment of a receiver of all or part of any redevelopment project of the agency and of the rents and profits from it. If a receiver is appointed, he may enter and take possession of the redevelopment project or any part

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

of it, operate and maintain it, collect and receive all fees, rents, revenues, or other charges thereafter arising from it, and shall keep such money in separate accounts and apply it pursuant to the obligations of the agency as the court shall direct.

(c) To require the agency and its members and employees to account as if it and they were the trustees of an express trust.

33662. The bonds are issued for an essential public and governmental purpose, and together with interest on them and income from them are exempt from all taxes.

33663. Notwithstanding any restrictions on investments contained in any laws, the State and all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, money, or other funds belonging to them or within their control in any bonds or other obligations issued by an agency. Such bonds and other obligations are authorized security for all public deposits. It is one of the purposes of this part to authorize any persons, firms, corporations, associations, political subdivisions, bodies and officers, public and private, to use any funds owned or controlled by them, including, but not limited to, sinking, insurance, investment, retirement, compensation, pension, and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations. This part does not relieve any person, firm, or corporation from any duty of exercising reasonable care in selecting securities.

33664. An agency may purchase its bonds at a price not more than their principal amount and accrued interest. All bonds so purchased shall be canceled.

33665. All of the provisions of this article are subject to the limitations of Article 3 (commencing with Section 33620) of this chapter.

Article 6. Taxation

33670. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in a redevelopment project each year by or for the benefit of the State of California, any city, county, city and county, district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving the redevelopment plan, shall be divided as follows:

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the county last equalized on the effective date of the ordinance shall be used in determining the assessed valuation of the taxable property in the project on the effective date); and

(b) That portion of the levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by such redevelopment agency to finance or refinance, in whole or in part, such redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in such project as shown by the last equalized assessment roll referred to in subdivision (a), all of the taxes levied and collected upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies. When such loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

33671. In any redevelopment plan or in the proceedings^{1 (c)} for the advance of moneys, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the redevelopment agency to finance or refinance, in whole or in part, the redevelopment project, the portion of taxes mentioned in subdivision (b) of Section 33670 may be irrevocably pledged for the payment of the principal of and interest on such loans, advances, or indebtedness.

33672. As used in this article the word "taxes" shall include, but without limitation, all levies on an ad valorem basis upon land or real property.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

33673. Whenever property in any redevelopment project has been redeveloped and thereafter is leased by the redevelopment agency to any person or persons or whenever the agency leases real property in any redevelopment project to any person or persons for redevelopment, the property shall be assessed and taxed in the same manner as privately owned property, and the lease or contract shall provide that the lessee shall pay taxes upon the assessed value of the entire property and not merely the assessed value of his or its leasehold interest.

CHAPTER 7. URBAN RENEWAL

Article 1. General

33700. In addition to its powers under any other section of this part, an agency is authorized to plan and undertake urban renewal projects.

33701. "Urban renewal" means undertakings and activities for the elimination and for the prevention of the development or spread of blighted areas, and may involve any redevelopment work or undertaking or any rehabilitation and conservation work, or any combination or part of such undertaking or work.

33702. "Rehabilitation" or "conservation" may include the restoration and renewal of a blighted, deteriorated, or deteriorating area by:

(a) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;

(b) Acquisition of certain real property and demolition or removal of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities;

(c) Installation, construction or reconstruction, of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area an urban renewal plan; and

(d) Disposing of any real property acquired to private enterprise or public agencies for use in accordance with an urban renewal plan.

33703. "Urban renewal area" means a blighted, deteriorated or deteriorating area, the urban renewal of which is necessary to effectuate the public purposes declared in this part.

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

33704. "Urban renewal plan" means a plan for the urban renewal of a project area. Such a plan shall be subject to all the requirements and prepared and approved pursuant to all the provisions and procedures of this part applicable to a redevelopment plan and the preparation and approval thereof.

33705. "Urban renewal project" means an undertaking of an agency pursuant to an official urban renewal plan designated by the legislative body in accordance with this part. Such a project shall be subject to all the requirements and provisions of this part applicable to a redevelopment project.

33706. The findings and declarations heretofore made in this part with respect to the existence of blighted areas in need of redevelopment are hereby affirmed and restated.

33707. It is hereby further found and declared that:

(a) There exist in many communities other areas in which the conditions by which blighted areas are characterized are present to a lesser degree but still to such an extent that such areas are deteriorated or deteriorating and threaten to become blighted areas if the conditions of blight in them are not remedied.

(b) The existence of such deteriorated and deteriorating areas thus threatens to increase still further the extent, scope, and effect of blighted areas and is itself declared to be a menace which is condemned as injurious and inimical to the public health, safety and welfare of the people of the communities in which they exist and of the State.

(c) In such deteriorated and deteriorating areas, and in some blighted areas, the conditions of blight can be remedied; the process of deterioration halted, and the spread of blight and development of blighted areas prevented by rehabilitation and conservation.

(d) The effective rehabilitation and conservation of such areas may require public acquisition at fair prices of certain parcels of land where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for public facilities.

33708. It is further found and declared that there exists in many communities still other areas, parts of which are blighted to the extent that they require redevelopment, and other parts of which are blighted, deteriorated and deteriorating to the extent that they require rehabilitation and conservation, and the effective remedying of the conditions of blight and urban renewal of such areas requires the combination of redevelopment, rehabilitation and conservation measures.

33709. For these reasons it is declared to be the further policy of the State and the further purposes of this part:

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

(a) To promote and advance the urban renewal of blighted, deteriorated and deteriorating areas and the general welfare of the inhabitants of the communities in which such areas exist by the employment of all appropriate means.

(b) That whenever the urban renewal of blighted, deteriorated and deteriorating areas cannot be accomplished by private enterprise alone, without public participation and assistance in planning, in the acquisition of land, in the work of clearance, relocation of families and preparing the land for new building, in carrying out programs of voluntary or compulsory repair and rehabilitation of structures or other improvements, and in making site improvements and providing community facilities, it is in the public interest to employ the power of eminent domain and to advance or expend public funds for these purposes and otherwise to provide means by which blighted, deteriorated and deteriorating areas may be renewed.

(c) That the urban renewal of blighted, deteriorated and deteriorating areas and the provision of continuing land use and construction policies in them are public uses and purposes for which public money may be advanced or expended and private property acquired, and are governmental functions of state and community concern in the interest of the health, safety and general welfare of the people of the State and of the communities in which such areas exist.

(d) That the benefits which will result from the remedying of conditions of blight and the elimination and the prevention of the spread of blighted areas by the urban renewal of blighted, deteriorated and deteriorating areas shall accrue to all the inhabitants and property owners of the communities in which such areas exist.

(e) That the necessity in the public interest for the provisions of this part is a matter of legislative determination.

33710. In connection with the planning and undertaking of any urban renewal project, the agency, the community, the legislative body, the planning commission, and all public officers, agencies and bodies shall have all the powers, duties, rights, privileges and immunities which they have in respect to a redevelopment plan or a redevelopment project, in the same manner as though all the provisions of this part applicable to a redevelopment plan or a redevelopment project were applicable to an urban renewal plan or an urban renewal project.

33711. In addition to the plans which an agency is otherwise authorized to prepare, an agency is hereby specifically authorized to prepare plans within urban renewal areas for urban renewal projects to include (1) a program of voluntary or compulsory repair and rehabilitation of buildings and im-

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

provements, and (2) the enforcement of laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition or removal of buildings and improvements. An agency is authorized to develop, test and report methods and techniques, and carry out demonstrations and other activities, for the prevention and elimination of conditions of blight and blighted areas.

33712. The provisions for urban renewal in this chapter shall not become operative in any community unless and until the legislative body of the community declares, by resolution, that there is need for urban renewal in the community. The provisions of this chapter shall not grant to any such agency in any community powers which are now or hereafter granted to any other officer, board, or department of the community by charter or ordinance without the consent of the legislative body of such community by ordinance.

33713. At any time following the adoption by the legislative body of a resolution declaring there is need for urban renewal in the community, the words "urban renewal" may be substituted for the word "redevelopment" wherever in this part the word "redevelopment" is used as part of the name of an agency, an administrative fund or a revolving fund established pursuant to this part; provided, that the provisions of this section shall not apply in any community unless and until the legislative body thereof, by resolution, declares that said provision shall be applicable.

33714. The urban renewal agency shall provide a feasible method for the temporary or permanent relocation of persons displaced from the urban renewal area and shall require that there be provided, in the urban renewal area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families displaced from the urban renewal area, decent, safe, and sanitary dwellings equal in number to the number available to such displaced persons and reasonably accessible to their places of employment.

PART 1.5. FLOOD RELIEF REDEVELOPMENT LAW

(Part 1.5 added by Stats. 1956 (Ex. Sess.),
Ch. 58. In effect April 26, 1956)

34000. This part is known and may be cited as the Flood Relief Redevelopment Law.

(Added by Stats. 1956 (Ex. Sess.), Ch. 58. In effect April 26, 1956.)

34001. "Director" means the State Director of Finance.

(Added by Stats. 1956 (Ex. Sess.), Ch. 58. In effect April 26, 1956.)

NOTE: Part 1 was repealed and added by Stats. 1963, Ch. 1812. For legislative history of any particular section prior to the enactment of Stats. 1963, Ch. 1812, see Note 1 at beginning of Division 24, Part 1 (commencing Section 33000).

34002. "Property" means any land or buildings damaged or destroyed by storms or floods after October 1, 1955, and located within a redevelopment area.

(Added by Stats. 1956 (Ex. Sess.), Ch. 58. In effect April 26, 1956.)

34003. The director shall administer this part and make such rules and regulations as may be necessary to carry out its provisions.

(Added by Stats. 1956 (Ex. Sess.), Ch. 58. In effect April 26, 1956.)

34004. From any state money made available to it for the purpose, and subject to the conditions specified in this part, the director may lend money to any redevelopment agency to enable it to acquire property within the redevelopment area over which the agency has jurisdiction to enable it to plan a redevelopment project within the area.

(Added by Stats. 1956 (Ex. Sess.), Ch. 58. In effect April 26, 1956.)

34005. The director shall not make any loan under this part until he has first determined that it is reasonably certain that federal funds will eventually become available to be applied towards the acquisition of the property involved, but that it is necessary to acquire it in the meantime in order to carry out the redevelopment project or provide for its early completion at the lowest possible cost.

(Added by Stats. 1956 (Ex. Sess.), Ch. 58. In effect April 26, 1956.)

34006. No loan shall be made under this part until the redevelopment agency has first entered into a contract with the United States or its authorized agent for an advance from the United States for surveys and plans for redevelopment projects.

(Added by Stats. 1956 (Ex. Sess.), Ch. 58. In effect April 26, 1956.)

34007. The director may also lend money to a redevelopment agency in respect to any redevelopment project in a flood affected area in an amount equal to not more than one-third of the aggregate of the net costs of the project where necessary to meet the requirements of local grants-in-aid required by federal law. Any such loan shall be conditioned upon the agency entering into a contract with the United States or its authorized agent for a capital grant from the United States to the agency for the purpose of the project.

(Added by Stats. 1956 (Ex. Sess.), Ch. 58. In effect April 26, 1956.)

34008. Any loan made by the director to a redevelopment agency pursuant to this part shall be repaid to the State General Fund in equal installments over a period of 10 years, together with an additional amount equal to the revenue which the State would have derived by investing the total deferred payment at the interest rate prevailing for legal

state investments. The repayment shall be made out of the following funds: (a) any federal funds made available to the agency for carrying out the redevelopment project; (b) if there are no such available federal funds, any available current revenues of the agency; (c) if such available current revenues are insufficient, from any funds of the agency to which it may be entitled under the Alcoholic Beverage Control Law or out of motor vehicle license fee revenue, which funds shall be withheld from the agency by the State Controller upon the order of the director.

(Added by Stats. 1956 (Ex. Sess.), Ch. 58. In effect April 26, 1956.)

34009. Property may be acquired under this part upon the approval of the director and without the necessity of meeting any condition precedent to land acquisition prescribed by the Community Redevelopment Law. Property acquired under this part may be acquired in any manner permitted by the Community Redevelopment Law.

(Added by Stats. 1956 (Ex. Sess.), Ch. 58. In effect April 26, 1956.)

PART 2. HOUSING AUTHORITIES

CHAPTER 1. HOUSING AUTHORITIES LAW

Article 1. General Provisions

34200. This chapter may be cited as the Housing Authorities Law.

34201. It is hereby declared:

(a) That there exist in the State insanitary or unsafe dwelling accommodations and that persons of low income are forced to reside in such accommodations; that within the State there is a shortage of safe or sanitary dwelling accommodations available at rents which persons of low income can afford and that such persons are forced to occupy overcrowded and congested dwelling accommodations; that these conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals, and welfare of the residents of the State and impair economic values; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities.

(b) That these slum areas cannot be cleared, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved, through the operation of private enterprise, and that the construction of housing projects for persons of low income would therefore not be competitive with private enterprise.

(c) That the clearance, replanning, and reconstruction of the areas in which insanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes

for which public money may be spent and private property acquired and are governmental functions of state concern; that it is in the public interest that work on such projects be commenced as soon as possible in order to relieve unemployment which now constitutes an emergency; and the necessity in the public interest for the provisions of this chapter is declared as a matter of legislative determination.

34202. Unless the context otherwise requires, the definitions contained in this article govern the construction of this chapter.

34203. "Authority" means a public corporation created pursuant to this chapter.

34204. "City" means any city or city and county. "County" means any county.

34205. "Governing body" means the city council in the case of a city or the board of supervisors in the case of a county.

34206. "Mayor" means the mayor of the city or the officer charged with the duties customarily imposed on the executive head of the city.

34207. "Clerk" means the clerk of the city or of the county.

34208. "Area of operation," in the case of a city authority, includes the city and the area within five miles of its territorial boundaries. It does not include any area which lies within the territorial boundaries of another city unless the governing body of such other city has consented by resolution. It does not include any area which lies within the unincorporated area of any county for which an authority has been authorized to transact business. If a county authority becomes empowered to transact business and exercise its powers, a city authority empowered to transact business and exercise its powers in any of the unincorporated area of the county shall not initiate any further project within such unincorporated territory.

34209. "Area of operation," in the case of a county authority includes all of the county except the area within the territorial boundaries of any city for which an authority has been authorized to transact business. A county authority shall not operate in any city located in the county and in which an authority has not been authorized to transact business unless the consent of the city governing body has been obtained. If an authority of a city within a county becomes empowered to transact business and exercise its powers, a county authority empowered to transact business and exercise its powers has no power to initiate any further project within the territorial boundaries of the city.

34210. "Federal Government" means the United States, the Federal Emergency Administration of Public Works, or any other agency or instrumentality, corporate or otherwise, of the United States.

34211. "Slum" means any area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement, or design, lack of ventilation, light, or sanitary facilities, or any combination of these factors, are detrimental to safety, health, and morals.

34212. "Housing project" means any work or undertaking to be financed in whole or in part by the federal government or a state public body or to which the federal government or a state public body extends assistance by supplying all or part of the labor, by guaranteeing the payment of liens, or otherwise, for any one or a combination of the following purposes:

(a) To demolish, clear, or remove buildings from any slum area. Such work or undertaking may embrace the adaptation of the area to public purposes, including parks or other recreational or community purposes.

(b) To provide decent, safe, and sanitary urban or rural dwellings, apartments, or other living accommodations for persons of low income. Such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare, or other purposes.

"Housing projects" also includes the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, and repair of the improvements, and all other work in connection therewith.

For the purposes of this section, "state public body" means the State, any city, county, city and county, borough, commission, district, authority, or other subdivision or public body of the State.

(Amended by Stats. 1961, Ch. 1920.)

34213. "Persons of low income" means persons or families who lack the amount of income which is necessary, as determined by the authority undertaking the housing project, to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding.

34214. "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by the authority pursuant to this chapter.

34215. "Real property" includes all land, including improvements and fixtures on it, and property of any nature appurtenant to it, or used in connection with it, and every estate, interest, and right in it, including terms for years and liens by way of judgment, mortgage, or otherwise, and the indebtedness secured by such liens.

34216. "Obligee" includes any bondholder, trustee for any bondholders, or lessor demising to the authority property used in connection with a housing project, or any assignee of all or part of such lessor's interest, and the Federal Government when it is a party to any contract with the authority.

34217. Execution or other judicial process shall not issue against the real property of an authority nor shall any judgment against an authority be a charge or lien upon its real property. This section does not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage of an authority or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an authority on its rents, fees, or revenues.

34218. Chapter 3, Division 5, Title 1, of the Government Code applies to any housing project under this chapter.

Article 2. Creation of Housing Authorities

34240. In each county and city there is a public body corporate and politic known as the housing authority of the county or city. The authority shall not transact any business or exercise its powers unless, by resolution, the governing body of the county or city declares that there is need for an authority to function in it.

34241. The governing body may make the determination as to whether there is a need for an authority to function upon its own motion or upon the filing of a petition signed by 25 residents of the county or city asserting that there is need for an authority to function in the county or city and requesting that the governing body so declare.

34242. The governing body may adopt a resolution declaring that there is need for a housing authority if it finds either of the following:

(a) That insanitary or unsafe inhabited dwelling accommodations exist in the county or city.

(b) That there is a shortage of safe or sanitary dwelling accommodations in such county or city available to persons of low income at rentals they can afford.

34243. In determining whether dwelling accommodations are unsafe or insanitary the governing body may take into consideration:

(a) The degree of overcrowding.

(b) The percentage of land coverage.

(c) The light, air, space, and access available to the inhabitants of such dwelling accommodations.

(d) The size and arrangement of the rooms.

(e) The sanitary facilities.

(f) The extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

34244. In any proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority is conclusively deemed to have been established and authorized to transact business and exercise its powers upon proof of the adoption of a resolution by the governing body declaring the need for the authority. The resolution is sufficient if it declares that there is such need for an authority and finds in substantially the terms of Section 34242 that either or both

of the conditions set forth in that section exist in the county or city. A copy of the resolution duly certified by the clerk is admissible in evidence in any proceeding.

34245. If, after the lapse of two years after the adoption of the resolution the governing body finds that the authority has failed to transact any business or exercise any of its powers, it may adopt a resolution declaring that the authority shall not transact any business or exercise its powers under this chapter, and that the offices of the authority commissioners are vacated. At any time thereafter the governing body may declare by resolution that there is need for an authority to function in the county or city, such determination to be made pursuant to this article.

Article 3. Officers and Employees

34270. When the governing body of a city adopts a resolution declaring the need for an authority, it shall promptly notify the mayor of the adoption. Upon receiving the notice and if his office is one filled by election by the people, the mayor, subject to the confirmation of a majority of the members of the governing body, shall appoint five persons as commissioners of the authority. If the office of the mayor is not elective, the city governing body shall make the appointments.

(Amended by Stats. 1953, Ch. 1802, and by Stats. 1963, Ch. 2050.)

34271. When the governing body of a county adopts such a resolution it shall appoint five persons as commissioners of the authority.

34272. Three of the commissioners first appointed shall be designated to serve for terms of one, two, and three years, respectively, from the date of their appointment, and two shall be designated to serve for terms of four years from the date of their appointments. Their successors shall be appointed for a term of four years except that all vacancies shall be filled for the unexpired term. No commissioner of an authority may be an officer or employee of the county or city for which the authority is created. Any appointment of a successor to a commissioner of a city housing authority shall be made by the mayor if his office is one filled by election by the people, subject to the confirmation of a majority of the members of the governing body. If the office of mayor is not elective the governing body of the city shall make the appointment. All appointments of commissioners of a county housing authority shall be made by the governing body of the county.

(Amended by Stats. 1953, Ch. 1802, and by Stats. 1963, Ch. 2050.)

34273. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and the certificate is conclusive evidence of the due and proper appointment of the commissioner.

34274. A commissioner shall not be regularly employed by the authority to which he is appointed during his tenure of office, but may receive per diem payment for attendance at not more than four meetings per month of the authority, which shall not exceed twenty-five dollars (\$25) per day and shall receive necessary traveling and subsistence expenses, incurred in the discharge of his duties.

(Amended by Stats. 1961, Ch. 1426.)

34275. The power of each authority is vested in the commissioners in office from time to time.

34276. Three commissioners constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners, unless in any case the by-laws of the authority require a larger number.

34277. The mayor of the city or the governing body of the county shall designate the first chairman from among the commissioners. The authority shall select his successor from among its commissioners.

34278. An authority shall select from among its commissioners a vice chairman. It also may employ a secretary, who shall be executive director, technical experts, and such other officers, agents, and employees as it requires, and shall determine their qualifications, duties, terms of employment and compensation.

(Amended by Stats. 1953, Ch. 1802, and by Stats. 1957, Ch. 764.)

34279. For the legal services it requires, an authority may call upon the chief law officer of the city or the county or may employ its own counsel and legal staff.

34280. An authority may delegate to one or more of its agents or employees the powers or duties it deems proper.

34281. A commissioner or employee of an authority shall not acquire any direct or indirect interest in any housing project or in any property included or planned to be included in any project, nor shall he have any direct or indirect interest in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project. If he owns or controls a direct or indirect interest in any such property, he shall immediately make a written disclosure of it to the authority and the disclosure shall be entered upon its minutes. Failure so to disclose his interest constitutes misconduct in office.

34282. For inefficiency, neglect of duty, or misconduct in office, a commissioner may be removed by the governing body of the county in the case of a county authority, or by the mayor, if he has the power of appointment of commissioners, otherwise, by the governing body of the city in the case of a city authority. A commissioner shall be removed only after he has been given a copy of the charges at least 10 days prior to the hearing on them and has had an opportunity to be heard in person or by

counsel. If a commissioner is removed, a record of the proceedings and the charges and findings on them shall be filed in the office of the clerk.

34283. The commissioners shall provide by resolution for the time and place of holding their regular meetings. Special meetings may be called by the chairman or by two commissioners, and notice thereof shall be mailed to each commissioner at least 48 hours before the meeting. All of the meetings of the commissioners, whether regular or special, shall be open to the public. Except as otherwise herein provided, all minutes, books of account, accounts and supporting vouchers and data, all plans and specifications, all contracts and changes and modifications thereof, all leases, all job classifications and salaries therefor, and all bids which have been opened and either accepted or rejected by the housing authority, shall constitute public records and shall be open to public inspection at all times during office hours. Tenant applications, personnel employment records, land appraisals, records and information in connection with the acquisition or disposition of real property until such acquisition or disposition of real property is completed, litigation files not a part of court records, shall be confidential, and shall not be available for public inspection. An authority shall supply to the governing body of its respective city or county, such information relating to its activities as such governing body may request; provided, however, an authority may withhold only such information as is hereinabove declared to be confidential. Any person who willfully discloses or reveals confidential information, or any part thereof, is guilty of a misdemeanor.

(Added by Stats. 1953, Ch. 1802; amended by Stats. 1961, Ch. 1108.)

Article 4. Powers and Duties of Housing Authorities

34310. An authority constitutes a corporate and politic public body, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out the purposes and provisions of this chapter.

34311. An authority may:

- (a) Sue and be sued.
- (b) Have a seal and alter it.
- (c) Have perpetual succession.
- (d) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers.
- (e) Make, amend, and repeal by-laws and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

34312. Within its area of operation, an authority may:

- (a) Prepare, carry out, acquire, lease, and operate housing projects.
- (b) Provide for the construction, reconstruction, improvement, alteration, or repair of all or part of any housing project.

34313. Except where there existed on September 15, 1945, contracts for financial assistance between a housing authority and the Federal Government, no low-rent housing or slum-clearance project shall be developed, constructed, or owned by an authority after September 15, 1945, except after consultation with the school district in which the project is located, and until the governing body of the county or city in which it is proposed to develop, construct, or own the project, approves it by resolution.

34314. An authority may arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or its occupants. Notwithstanding anything to the contrary contained in this chapter or in any other law, an authority may include in any contract let in connection with a project stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor and any conditions which the Federal Government has attached to its financial aid of the project.

34315. An authority may:

(a) Lease or rent any dwellings, houses, accommodations, lands, buildings, structures, or facilities embraced in any housing project and establish and revise the rents or charges for them.

(b) Own, hold, and improve real or personal property.

(c) Purchase, lease, obtain option upon, acquire by gift, grant, bequest, devise, or otherwise any real or personal property or any interest in property.

(d) Acquire any real property by eminent domain.

(e) Sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest in it.

(f) Insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards.

(g) Procure insurance or guarantees from the Federal Government of the payment of all or part of any debts, whether or not incurred by the authority, secured by mortgages on any property included in any of its housing projects.

34315.5. An authority may transfer real property not needed by the authority to a fire protection district for fire protection purposes without consideration if the board determines that such transfer is necessary or desirable to effectuate the purposes of the authority.

(Added by Stats. 1959, Ch. 522.)

34316. An authority may:

(a) Invest any money held in reserves or sinking funds, or any money not required for immediate disbursement, in property or securities in which savings banks may legally invest money subject to their control.

(b) Purchase its bonds at a price not more than their principal amount and accrued interest; all bonds so purchased shall be canceled.

34316.1. To secure the funds of a housing authority deposited with a bank or other depository, the bank or other depository shall deposit with the authority, or with the officer of the authority designated by it, securities of the kinds described in subdivisions (a) to (e), inclusive, of Section 53651 of the Government Code.

The provisions of Sections 53655, 53657, 53659, 53660, 53661, 53662, 53665, 53666, 53671, 53672, 53673, 53673.5, 53675, 53676, and 53677 of the Government Code shall apply to the securities given to secure the funds of a housing authority. Where the term "treasurer" is used in such sections, it shall mean "housing authority" or the official designated by it to act hereunder, and where the term "local agency" is used in such sections, it shall mean "housing authority."

(Added by Stats. 1963, Ch. 540.)

34317. Within its area of operation, an authority may:

(a) Investigate into living, dwelling, and housing conditions and into the means and methods of improving such conditions.

(b) Determine where slum areas exist or where there is a shortage of decent, safe, and sanitary dwelling accommodations for persons of low income.

(c) Make studies and recommendations relating to the problem of clearing, replanning, and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and cooperate with the city, the county, the State or any of its political subdivisions in action taken in connection with such problems.

(d) Engage in research, studies, and experimentation on the subject of housing.

34318. Acting through one or more commissioners or other person or persons designated by it, an authority may:

(a) Conduct investigations, hear testimony, and take proof under oath at public or private hearings on any matter material for its information.

(b) Administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers, and issue commissions for the examination of witnesses who are outside of the State, unable to attend before the authority, or excused from attendance.

(c) Make available to appropriate agencies, including those charged with the duty of abating nuisances or like conditions or of demolishing unsafe or insanitary structures within its area of operation, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety, or welfare.

34319. An authority may exercise all or any part or combination of powers granted in Sections 34311 to 34318, inclusive.

34320. No law concerning the acquisition, operation, or disposition of property by other public bodies is applicable to an authority unless the Legislature specifically so states.

34321. It is declared to be the policy of the State that each authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe, and sanitary dwelling accommodations, and that no housing authority shall construct or operate any such project for profit, or as a source of revenue to the city or the county. To this end an authority shall fix the rentals for dwellings in its projects at no higher rates than it finds necessary to produce revenue which, together with all other available money, income, and receipts of the authority, will be sufficient for all of the following:

(a) To pay, when due, the principal and interest on its bonds.

(b) To meet the cost of, and to provide for, maintaining and operating the projects, including the cost of any insurance, and the administrative expenses of the authority.

(c) During not less than the six years immediately succeeding its issuance of any bonds, to create a reserve sufficient to meet the largest principal and interest payments which will be due on such bonds in any one year thereafter and to maintain the reserve.

34322. In the operation or management of housing projects an authority shall:

(a) Rent or lease the dwelling accommodations only to persons of low income and only at rentals within their financial reach.

(b) Rent or lease to a tenant dwelling accommodations consisting of the number of rooms which it deems necessary to provide safe and sanitary accommodations to the occupants, without overcrowding.

(c) Fix income limits for occupancy and rents after taking into consideration (1) the family size, composition, age, physical handicaps, and other factors which might affect the rent-paying ability of the person, and (2) the economic factors which affect the financial stability and solvency of the project.

(d) Prohibit subletting by tenants.

(Amended by Stats. 1961, Ch. 1043.)

34322.2. As between applicants equally in need and eligible for occupancy of the dwelling and at the rent involved preferences shall be given in the selection of tenants as follows:

(a) To families which are to be displaced by any low-rent housing project or by any public slum clearance, redevelopment or urban renewal project, or through action of a public body or court, either through the enforcement of housing standards or through the demolition, closing, or improvement of dwelling units, or which were so displaced within three years prior to making application to such authority for admission to any low-rent housing, provided that as among such projects or actions the authority may from time to time extend a prior preference or preferences, and provided further, that, as among families within any such preference group, first pref-

erence shall be given to families of disabled veterans whose disability has been determined by the Veterans' Administration to be service connected, and second preference shall be given to families of deceased veterans and servicemen whose death has been determined by the Veterans' Administration to be service connected, and third preference shall be given to families of other veterans and servicemen;

(b) To families of other veterans and servicemen and as among such families first preference shall be given to families of disabled veterans whose disability has been determined by the Veterans' Administration to be service connected, and second preference shall be given to families of deceased veterans and servicemen whose death has been determined by the Veterans' Administration to be service connected.

(Added by Stats. 1961, Ch. 1388.)

34323. Nothing contained in Sections 34321 and 34322 shall be construed as limiting the power of an authority to vest in an obligee the right, in the event of a default by the authority, to take possession of a housing project, cause the appointment of a receiver for it, or acquire title to it through foreclosure proceedings, free from all the restrictions imposed by such sections.

34324. Any two or more authorities may join or co-operate with one another in the exercise either jointly or otherwise, of any or all of their powers for the purpose of financing, including, but not limited to, the issuance of bonds, notes, or other obligations and giving security therefor, or planning, undertaking, owning, constructing, or operating, or entering into any contract with respect to, any housing project or projects located within the area of operation of any one or more of such authorities. For any such purpose, one authority may provide by resolution that another authority with which it has joined or is co-operating in the exercise of powers is authorized to act on its behalf with respect to any or all of the powers, as its agent or otherwise, in its name, the name of such other authority, or in the names of the authorities which have joined or are co-operating.

(Amended by Stats. 1963, Ch. 529.)

34325. Pursuant to the Code of Civil Procedure an authority may acquire by eminent domain any real property which it deems necessary for its purposes under this chapter after the adoption by it of a resolution declaring that the acquisition of the real property described in it is necessary for such purposes. Property already devoted to a public use may be acquired by eminent domain, but real property belonging to the city, the county, the State, or any of its political subdivisions shall not be acquired without its consent.

34326. All housing projects are subject to the planning, zoning, sanitary, and building laws, ordinances, and regulations applicable to the locality in which the housing project is situated. In the planning and location of any housing project,

an authority shall take into consideration the relationship of the project to any larger plan or long-range program for the development of the area in which it functions.

34327. An authority may:

(a) Borrow money or accept grants or other financial assistance from the Federal Government for or in aid of any housing project within its area of operation.

(b) Take over, lease, or manage any housing project or undertaking constructed or owned by the Federal Government.

(c) For these purposes, comply with such conditions and enter into any mortgages, trust indentures, leases, or agreements necessary, convenient, or desirable.

It is the purpose and intent of this chapter to authorize every authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the Federal Government in the undertaking, construction, maintenance, or operation of any housing project by an authority.

34327.5. Whether or not the type, amount, and manner of expenditure of any funds received by an authority from the Federal Government, or any funds derived from such funds, are in accordance with the law or contract under which the funds were received, or any applicable federal regulations, shall be matters to be determined exclusively by the federal agency. This section is not intended, and shall not be construed, to prohibit prosecution and conviction of violation of any law of this State.

(Added by Stats. 1959, Ch. 1812.)

34327.6. All funds of housing authorities not subject to audit by a federal agency shall be audited at least once each year at the expense of the housing authority by the State Department of Finance or, at the option of the housing authority, by a certified public accountant or public accountant, licensed by the State Board of Accountancy, and approved by the Director of Finance. If the audit is made by a certified public accountant, or a public accountant, a copy of the audit report shall be filed for record purposes with the Department of Finance.

(Added by Stats. 1959, Ch. 1812; amended by Stats. 1961, Ch. 1107.)

34328. At least once a year, an authority shall file with the clerk of the respective city or county a report of its activities for the preceding year. An authority shall make either directly or through any national, regional or state housing association or organization of which it may be a member, recommendations with reference to additional legislation or other action which it deems necessary to carry out the purposes of this chapter, to the respective legislative bodies having jurisdiction thereof.

(Amended by Stats. 1961, Ch. 1106.)

34328.2. The mayor or any member of the governing body of the city in the case of a city authority or any member of the governing body of the county in the case of a county authority shall not have any direct or indirect interest in any

housing project or in any property included or planned to be included in any project, nor shall such persons have any direct or indirect interest in any contract or proposed contract for materials or services to be furnished or used in connection with the construction, repair, or maintenance of any housing project. Nothing contained in this section shall prevent the authority from accepting the lowest bid on a bid contract.

This section has no application to contracts awarded to corporations in which any such person owns less than 1 percent of the entire capital stock.

(Added by Stats. 1953, Ch. 1815.)

34330. An authority shall have the power to:

(a) Assist in relocating in suitable housing accommodations at rentals within their means persons of low income who have been or will be deprived of dwellings within areas or buildings which have been or will be cleared or demolished. In connection with any project, an authority shall maintain or provide for the maintenance of tenant placement service in which there shall be recorded lists of untenanted, suitable dwellings available to persons of low income and shall furnish such information to such persons. An authority shall from time to time make studies and surveys of dwelling units which may become unoccupied and available to persons of low income and shall also make arrangements with owners and lessors of such dwellings for registration thereof with the tenant placement service. In connection with any project, an authority may pay so much of the necessary cost of removal of persons of low income, and of business or commercial tenants, from the area or buildings to be cleared for the development of the project to suitable locations in such cases and in such amounts as may be approved by the authority. Removal costs so paid by an authority shall be included in the project cost.

(b) Exercise the powers set forth in subdivision (a), in connection with the relocation of persons of low income who are displaced by any public or private improvement within its area of operation. The financing of such relocation activities by an authority shall be arranged by contract with the public or private agency undertaking the improvement which makes such relocation necessary.

(c) Admit to a dwelling in any project of the authority any person or persons residing in an area or building to be cleared or demolished as described in subdivision (a) or (b), if the probable aggregate annual income of such person or persons does not exceed the income limit for continued occupancy established by the authority for the dwelling to which such person or persons is admitted.

(Added by Stats. 1961, Ch. 1044.)

Article 5. Bonds

34350. An authority may issue bonds for any of its corporate purposes. An authority may also issue refunding bonds

for the purpose of paying or retiring bonds previously issued by it.

34351. An authority may issue such types of bonds as it determines, including bonds on which the principal and interest are payable:

(a) Exclusively from the income and revenues of the housing project financed with the proceeds of the bonds, or with such proceeds together with a grant from the Federal Government in aid of the project.

(b) Exclusively from the income and revenues of certain designated housing projects whether or not they were financed in whole or in part with the proceeds of the bonds.

(c) From its revenues generally.

34352. Any of the bonds may be additionally secured by a pledge of any revenues or a mortgage of any housing project or other property of the authority.

34353. Neither the commissioners of an authority nor any person executing the bonds are liable personally on the bonds by reason of their issuance. The bonds and other obligations of an authority are not a debt of the city, county, State, or any of its political subdivisions and neither are they liable on the bonds, nor are the bonds or obligations payable out of any funds or properties other than those of the authority; and the bonds shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation.

34354. By resolution, an authority may authorize bonds. The resolution, its trust indenture, or mortgage may provide for:

(a) The issuance of bonds in one or more series.

(b) The date the bonds shall bear.

(c) The date of maturity.

(d) The interest rate, not exceeding four and one-half percent ($4\frac{1}{2}\%$) a year.

(e) The denomination of the bonds.

(f) The form of the bonds, either coupon or registered.

(g) The conversion or registration privileges which the bonds shall carry.

(h) The rank or priority of the bonds.

(i) The manner of execution of the bonds.

(j) The medium of payment in which the bonds are payable.

(k) The place of payment.

(l) The terms of redemption, with or without premium.

34355. The bonds may be sold at not less than par at public sale. At least five days prior to the sale, notice shall be published once in a newspaper having a general circulation in the city or the county and in a financial newspaper published in the City and County of San Francisco or in the City of Los Angeles. The bonds may be sold at not less than par to the Federal Government at private sale without any public advertisement.

34356. If any authority commissioner or officer whose signature appears on bonds or coupons ceases to be commissioner or officer before delivery of the bonds, his signature is as effective as if he had remained in office. Bonds issued pursuant to this chapter are fully negotiable.

34357. In any proceedings involving the validity or enforceability of any bond or its security, any such bond reciting in substance that it has been issued by the authority to aid in financing a housing project to provide dwelling accommodations for persons of low income is conclusively deemed to have been issued for a housing project of such character and the project is conclusively deemed to have been planned, located, and constructed pursuant to this chapter.

34358. In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of the bonds or obligations, an authority has the powers conferred by Sections 34359 to 34365, inclusive.

34359. An authority may:

(a) Pledge all or any part of its gross or net rents, fees, or revenues to which its right then exists or may thereafter come into existence.

(b) Mortgage all or any part of its real or personal property then owned or thereafter acquired.

34360. An authority may:

(a) Covenant against pledging all or part of its rents, fees, and revenues, against mortgaging all or part of its real or personal property, to which its right or title then exists or may thereafter come into existence, or against permitting or suffering any lien on such revenues or property.

(b) Covenant with respect to limitations on its right to sell, lease, or otherwise dispose of all or part of any housing project.

(c) Covenant as to what other or additional debts or obligations may be incurred by it.

(d) Covenant as to the bonds to be issued, as to their issuance in escrow or otherwise, and as to the use and disposition of the bond proceeds.

(e) Provide for the replacement of lost, destroyed, or mutilated bonds.

(f) Covenant against extending the time for the payment of its bonds or interest on them.

(g) Redeem the bonds, covenant for their redemption, and provide the redemption terms and conditions.

34361. An authority may:

(a) Covenant as to the rents and fees to be charged in the operation of a housing project, the amount to be raised each year or other period of time by rents, fees, and other revenues, and as to their use and disposition.

(b) Create or authorize the creation of special funds for money held for construction or operating costs, debt service, reserves, or other purposes, and covenant as to the use and disposition of the money held in the funds.

34362. An authority may prescribe procedure by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds whose holders are required to consent, and the manner in which consent may be given.

34363. An authority may:

(a) Covenant as to the use of any or all of its real or personal property.

(b) Covenant as to the maintenance of its real and personal property, its replacement, the insurance to be carried on it, and the use and disposition of insurance money.

(c) Covenant as to the rights, liabilities, powers, and duties arising upon the breach by it of any covenant, condition, or obligation.

(d) Covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

34364. An authority may:

(a) Vest in a trustee or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds.

(b) Vest in a trustee the right, in the event of a default by the authority, to take possession and use, operate, and manage all or part of any housing project, to collect the rents and revenues arising from it, and to dispose of the money pursuant to the agreement of the authority with the trustee.

(c) Provide for the powers and duties of a trustee and limit his liabilities.

(d) Provide the terms and conditions upon which the trustee or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

34365. An authority may exercise all or any part or combination of the powers granted in Sections 34359 to 34364, inclusive, and make covenants other than the covenants expressly authorized in such sections, of like or different character. An authority may make covenants and do any and all acts and things necessary, convenient, or desirable to secure its bonds, or which will tend to make them more marketable notwithstanding that such covenants, acts, or things are not enumerated in this chapter.

34366. Any authority may submit to the Attorney General any bonds to be issued pursuant to this chapter after all proceedings for their issuance have been taken. Upon such submission the Attorney General shall examine into and pass upon the validity of the bonds and the regularity of all proceedings in connection with them. If the proceedings conform to this chapter and are otherwise regular in form and if the bonds when delivered and paid for will constitute binding and legal obligations of the authority enforceable according to their terms, the Attorney General shall certify in substance upon the

back of each bond that it is issued in accordance with the Constitution and state laws.

34367. Subject only to any contractual restrictions binding upon him, an obligee may:

(a) By proper proceeding compel the authority and its commissioners, officers, agents, or employees to perform each and every provision contained in any contract of the authority with or for his benefit, and require the carrying out of any or all the covenants and agreements of the authority and the fulfillment of all duties imposed upon it by this chapter.

(b) By proper proceeding enjoin any acts or things which may be unlawful, or the violation of any of his rights by the authority.

34368. By its resolution, trust indenture, mortgage, lease, or other contract an authority may confer upon any obligee holding or representing a specified amount in bonds, or holding a lease, the following rights to be exercised upon the happening of an event of default defined in the resolution or instrument, by proceeding in any court of competent jurisdiction:

(a) To cause possession of all or part of any housing project to be surrendered to him.

(b) To obtain the appointment of a receiver of all or part of any housing project and of the rents and profits from it. If the receiver is appointed, he may enter and take possession of the housing project or the part of it, operate and maintain it, collect and receive all fees, rents, revenues, or other charges thereafter arising from it, and keep such money in a separate account and apply it pursuant to the obligations of the authority as the court directs.

(c) To require the authority and its commissioners to account as if it and they were the trustees of an express trust.

34369. Notwithstanding any restrictions on investments contained in any laws of this State, the State, all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by an authority pursuant to this chapter, or issued by any public housing authority or agency in the United States, when such bonds or other obligations are secured by a pledge of annual contributions to be paid by the United States Government or any agency thereof, and such bonds and other obligations shall be authorized security for all public deposits.

(Added by Stats. 1953, Ch. 93, as part of codification.)

34370. It is the purpose of Section 34369 to authorize any person, political subdivision, body, or officer, public or private,

to use any funds owned or controlled by him or it, including sinking, insurance, investment, retirement, compensation, pension, and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations.

Nothing in Section 34369 relieves any person from any duty of exercising reasonable care in selecting securities.

(Added by Stats. 1953, Ch. 93, as part of codification.)

34371. Insofar as the provisions of Sections 34369 and 34370 are inconsistent with the provisions of any other law, the provisions of the sections are controlling.

(Added by Stats. 1953, Ch. 93, as part of codification.)

Article 6. Claims

(Article 6 added by Stats. 1959, Ch. 1727)

34380. All claims for money or damages against the authority are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Claims, the risk or hazard of which are covered by insurance pursuant to the authorization of Section 34315(f) of this code and which have been presented in accordance with Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, may be referred to the carrier insuring against such risk or hazard for further action, in accordance with such procedure as may be adopted by the authority.

(Added by Stats. 1959, Ch. 1727; amended by Stats. 1961, Ch. 1563, and by Stats. 1963, Ch. 1715. See note following Section 954.)

CHAPTER 1.5. TAX EXEMPTION OF HOUSING AUTHORITY PROPERTY

(Ch. 1.5 added by Stats. 1953, Ch. 93, as part of codification)

34400. It has been found and declared in the Housing Authorities Law and the Housing Cooperation Law (a) that there exist in the State housing conditions which constitute a menace to the health, safety, morals and welfare of the residents of the State; (b) that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident prevention, and other public services and facilities; (c) that the public interest requires the remedying of these conditions by the creation of housing authorities to undertake projects for slum clearance and for providing safe and sanitary dwelling accommodations for persons who lack sufficient income to enable them to live in decent, safe and sanitary dwellings without overcrowding; and (d) that such housing projects are for public uses and purposes and are governmental functions of state concern. As a matter of legislative determination, it is hereby found and declared that the

property and bonds of a housing authority are of such character as shall be exempt from taxation.

(Added by Stats. 1953, Ch. 93, as part of codification.)

34401. The property of an authority is exempt from all taxes and special assessments of the State or any city, county, or political subdivision of the State. In lieu of such taxes or special assessments the authority may agree to make payments to any city, county, or political subdivision of the State for services, improvements, or facilities furnished by such city, county, or political subdivision for the benefit of a housing project owned by the authority; but in no event shall such payments exceed the estimated cost to such city, county, or political subdivision of the services, improvements, or facilities.

(Added by Stats. 1953, Ch. 93, as part of codification.)

34402. The bonds of an authority are issued for an essential public and governmental purpose, and, together with interest thereon and income therefrom, are exempt from all taxes.

(Added by Stats. 1953, Ch. 93, as part of codification.)

CHAPTER 2. HOUSING COOPERATION LAW

34500. This chapter may be cited as the Housing Cooperation Law.

34501. It has been found and declared in the Housing Authorities Law that there exist in the State unsafe and insanitary housing conditions and a shortage of safe and sanitary dwelling accommodations for persons of low income; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities; and that the public interest requires the remedying of these conditions. It is found and declared that:

(a) The assistance provided for in this chapter for the remedying of the conditions set forth in the Housing Authorities Law constitutes a public use and purpose and an essential governmental function for which public money may be spent and other aid given.

(b) It is a proper public purpose for any state public body to aid any housing authority operating within its boundaries or jurisdiction or any housing project located therein, as the state public body derives immediate benefits and advantages from such an authority or project.

(c) The provisions of this chapter are necessary in the public interest.

34502. The powers conferred by this chapter are supplemental to the powers conferred by any other law.

34503. Unless the context otherwise requires the definitions contained in the following sections govern the construction of this chapter.

34504. "Housing authority" means any housing authority created pursuant to the Housing Authorities Law.

34505. "Housing projects" means any work or undertaking of a housing authority pursuant to the Housing Authorities Law or any similar work or undertaking of the Federal Government.

34506. "State public body" means any city, county, borough, commission, district, authority, or other subdivision or public body of the State.

34507. "Governing body" means the council, board of supervisors, board of trustees, or other body having charge of the fiscal affairs of the state public body.

34508. "Federal Government" means the United States, the Federal Emergency Administration of Public Works, or any other agency or instrumentality, corporate or otherwise, of the United States of America.

34509. For the purpose of aiding and cooperating in the planning, undertaking, construction, or operation of housing projects located within the area in which it is authorized to act, any state public body may exercise the powers prescribed in Sections 34510 to 34518, inclusive, upon such terms, and with or without consideration, as it may determine.

34510. A state public body may dedicate, sell, convey, or lease any of its property to a housing authority or the Federal Government.

34511. A state public body may cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with housing projects.

34512. A state public body may furnish, dedicate, close, pave, install, grade, regrade, plan, or replan streets, roads, roadways, alleys, sidewalks, or other places which it is otherwise empowered to undertake.

34513. A state public body may:

(a) Plan or replan, zone or rezone any part of its territory.

(b) Make exceptions to building regulations and ordinances.

34514. Any city or city and county also may change its map.

34515. A state public body may enter into agreements with a housing authority or the Federal Government respecting action to be taken by the state public body pursuant to this chapter. Notwithstanding any law to the contrary, the agreements may extend over any period of time not to exceed 45 years from the end of the year in which any such project becomes available for occupancy. Such time limitation shall not apply to any agreements entered into prior to the effective date hereof.

(Amended by Stats. 1953, Ch. 1803.)

34516. A state public body may:

(a) Do any and all things, necessary or convenient, to aid and cooperate in the planning, undertaking, construction, or operation of such housing projects.

(b) Purchase or legally invest in any of the bonds of a housing authority and exercise all of the rights of any holder of the bonds.

34517. With respect to any housing project which a housing authority has acquired or taken over from the Federal Government and which the housing authority by resolution has found and declared to have been constructed in a manner that will promote the public interest and afford necessary safety, sanitation, and other protection, a state public body shall not require any changes to be made in the housing project or the manner of its construction or take any other action relating to its construction.

34518. A state public body may incur the entire expense of any public improvements made by it in exercising the powers granted in this chapter. Any law to the contrary notwithstanding, a state public body may make any sale, conveyance, lease, or agreement provided for in Sections 34510 to 34517, inclusive, without appraisal, public notice, advertisement, or public bidding.

Prior to entering into any cooperation agreement the governing body of any state public body shall hold a public hearing for the purpose of giving interested persons an opportunity to be heard as to whether such cooperation agreement should be entered into.

Notice of such hearing shall be published pursuant to Section 6066 of the Government Code prior to the date of hearing. At least three copies of the proposed cooperation agreement submitted to the governing body shall be available for inspection by interested persons prior to the public hearing.

The cooperation agreement may provide that there shall be a public hearing prior to the approval by the governing body of a county or city of any site for a public housing project.

The executed cooperation agreement shall be conclusive evidence that all proceedings prior thereto under this section have been in full compliance with this section.

(Amended by Stats. 1953, Ch. 1803, and by Stats. 1957, Ch. 357.)

34519. In connection with any housing project located wholly or partly within the area in which it is authorized to act, any state public body may contract with a housing authority or the Federal Government with respect to the sum which it may agree to pay during any period to the state public body for the improvements, services, and facilities to be furnished by it for the benefit of the housing project. The amount of the payments shall not exceed the estimated cost to the state public body of the improvements, services, or facilities to be furnished. The absence of a contract for such payments does not relieve

any state public body from the duty to furnish for the benefit of the housing project the customary improvements and the services and facilities it usually furnishes without a service fee.

34520. When any housing authority created for any city or county becomes authorized to transact business and exercise its powers, the governing body of the city or county shall immediately make an estimate of the amount necessary for the administrative expenses and overhead of the housing authority during its first year, and may appropriate the amount to the authority as a loan or donation. Any city or county located wholly or partially within the area of operation of a housing authority may lend or donate money to the authority or agree to do so. When it has money available, the housing authority shall **make** reimbursements for all such loans made to it.

34521. The exercise by a state public body of the powers granted in this chapter may be authorized by resolution adopted by a majority of the members of its governing body.
(Amended by Stats. 1953, Ch. 1803.)

PART 2.5. CONTRACTS OF REDEVELOPMENT AGENCIES AND HOUSING AUTHORITIES

(Part 2.5 added by Stats. 1959, Ch. 1695)

34600. This part applies only to redevelopment agencies organized under Part 1 (commencing at Section 33000) and housing authorities organized under Part 2 (commencing at Section 34200) of this division which are existing and functioning in counties with a population of more than 80,000 and less than 90,000, as determined by the 1950 Federal Census.

(Added by Stats. 1959, Ch. 1695. Effective until the 91st day after the 1963 Regular Session. See Section 34606.)

34601. A redevelopment agency or housing authority which has acquired by purchase or gift any temporary housing project or projects, including temporary veterans' emergency housing projects, from the Federal Government or its assigns may, with respect to any such projects only, enter into a contract with any school district to provide for the furnishing of improvements, services, and facilities by the school district for the benefit of the housing project.

(Added by Stats. 1959, Ch. 1695. Effective until the 91st day after the 1963 Regular Session. See Section 34606.)

34602. The contract shall fix the sum which the redevelopment agency or housing authority is to pay during any period for such improvements, services, and facilities. This sum may be in addition to any payments in lieu of taxes which are to be made by the redevelopment agency or housing authority to the school district. The sum shall not exceed the difference between the estimated cost to the school district of furnishing the improvements, services, and facilities and any amount to be received by the school district in lieu of taxes. The contract may provide that payments by the redevelopment agency or housing authority may be made in cash or in services and

facilities to be rendered or supplied by the redevelopment agency or housing authority to the school district or both. The contract may fix the value of such services and facilities.

(Added by Stats. 1959, Ch. 1695. Effective until the 91st day after the 1963 Regular Session. See Section 34606.)

34603. Any payment received pursuant to the provisions of this part may be deposited by the governing board of the school district in any fund but the general fund of the district.

(Added by Stats. 1959, Ch. 1695. Effective until the 91st day after the 1963 Regular Session. See Section 34606.)

34604. The absence of any contract authorized by Section 34601 of this act does not relieve any school district from the duty to furnish for the benefit of any housing project the customary improvements, services, and facilities that the school district usually furnishes without a service fee.

(Added by Stats. 1959, Ch. 1695. Effective until the 91st day after the 1963 Regular Session. See Section 34606.)

34605. The provisions of this part pertain to temporary housing projects only and may not be applied to permanent low-rent housing projects.

(Added by Stats. 1959, Ch. 1695. Effective until the 91st day after the 1963 Regular Session. See Section 34606.)

34606. This part shall remain in effect until the 91st day after final adjournment of the 1963 Regular Session of the Legislature. While this part is in effect, it supersedes any existing provisions of law which are in conflict with this part, but such provisions will not be repealed by this part and after this part is not longer effective, they shall have the same force as though this part had not been enacted; and this part shall not constitute a precedent.

(Added by Stats. 1959, Ch. 1695; amended by Stats. 1961, Ch. 770.)

PART 3. HOUSING CORPORATIONS

CHAPTER 1. LIMITED DIVIDEND HOUSING CORPORATIONS LAW

Article 1. General Provisions

34800. This chapter may be cited as the Limited Dividend Housing Corporations Law.

34801. Unless the context otherwise requires, the definitions contained in this article govern the construction of this chapter.

34802. "Commission" means the Commission of Housing.

34803. "Corporation" means limited dividend housing corporation formed pursuant to this chapter.

34804. "Actual cost" means the cost of the land and buildings, charges for financing and supervision, and carrying charges during construction, including interest on borrowed money and invested capital, when such charges have been approved by the commission.

34805. "Fixed charges" includes all operating and maintenance charges, taxes, assessments, insurance and depreciation, amortization, interest, sinking fund, and other expenses and charges approved by the commission.

34806. "Security" includes any share, stock, bond, note, treasury stock, debenture, evidence of indebtedness, certificate of interest or participation, or beneficial interest in title to property, profits, or earnings, or any other instrument commonly known as a security.

34807. "Slum area" means any area of property partially or totally occupied by deteriorated, obsolete, unsafe, or unsanitary single or multiple dwellings. The determination of whether any building is in such condition rests solely with the commission.

34808. Any notice or other written instrument may be served upon the commission by delivering it to the chairman, vice chairman, or secretary of the commission, or, if none of them can be found, by leaving a copy at the office or usual place of business of the commission with the person in charge.

34809. If any city in which a project approved by the commission is located determines that any land included in the project should be maintained as a public park or grounds, the city may purchase or accept the land and maintain it as a public park or grounds. Any city may also determine that any of its real property is not required for use by it and sell or lease the property to a corporation. Any charter provision inconsistent with this section prevails.

Article 2. Formation of Limited Dividend Housing Corporations

34830. Corporations may be formed pursuant to this chapter for the purpose of providing housing for families of low income or reconstructing slum areas.

34831. The laws relating to corporations generally are applicable to limited dividend housing corporations unless they are inconsistent with this chapter.

34832. Before the articles of incorporation of a corporation may be filed in the office of the Secretary of State, there shall be attached to them a certificate of the commission approving them.

34833. In addition to other requirements of law, the articles shall set forth:

(a) That one of the purposes for which the corporation is formed is that of providing housing for families of low income or of reconstructing slum areas.

(b) The par value of all shares of capital stock of the corporation. All shares shall have a par value.

(c) That the corporation will be subject to supervision and control of the commission or other appropriate state authority, and subject to the State Housing Law and this chapter.

**Article 3. Powers and Duties of Limited
Dividend Housing Corporations**

34860. When authorized by the commission, a corporation may:

(a) Borrow money from, or sell, pledge, or discount its securities to, the Reconstruction Finance Corporation, Federal Home Loan Bank, or any other corporation or agency established by the United States.

(b) Comply with the provisions for membership and become a member of the Federal Home Loan Bank or any other corporation or agency established by the United States.

(c) Comply with any regulations of the Reconstruction Finance Corporation.

34861. A corporation shall not acquire any real property or interest in it without first obtaining from the commission a certificate approving the acquisition.

34862. Without the prior approval of the commission, a corporation shall not sell, transfer, assign, or lease any real property to any person, except that leases conforming to the regulations of the commission may be made without its consent.

34863. A corporation shall not charge or accept any rental, fee, or other charge for housing accommodations in any building constructed, acquired, operated, sold, or managed by it in excess of the prices prescribed by the commission.

34864. Without the prior consent of the commission, a corporation shall not mortgage or otherwise encumber real property. It shall not pay interest on such encumbrance in excess of an amount permitted by the commission.

34865. A corporation shall not use any building erected or acquired by it for other than housing purposes, except that:

(a) When permitted by law, and consented to by the commission, the cellar and basement and the story above the cellar or basement may be used for stores, commercial, cooperative, or community purposes.

(b) When permitted by law the roof of the building may be used for cooperative or community purposes.

34866. A corporation shall not enter into contracts for the construction of housing projects or for the payment of salaries to officers or employees until the contracts have been approved by the commission.

34867. A corporation shall not effect any reorganization, unless authorized by the commission.

34868. A corporation shall not voluntarily dissolve or transfer all or substantially all of its assets without first obtaining the consent of the commission.

34869. A corporation shall not make any guaranty without the approval of the commission.

34870. Any purchase, conveyance, contract, encumbrance, lease, or sublease made in violation of this chapter and any transfer or assignment of them is void.

34871. A corporation shall not start or undertake a housing project without the approval of the commission.

34872. The commission shall not approve a housing project unless:

(a) It appears practicable to rent or sell the proposed housing accommodations at prices not exceeding those prescribed by the commission.

(b) The project conforms to the zoning or building ordinance of the locality where it is located.

(c) There is submitted to and approved by the commission a financial plan in the form and with the assurances prescribed by the commission stating the method of making funds available for the actual cost of the land and improvements. The plan may also provide for the raising of working capital through the sale of its securities in an amount to be approved by the commission, not to exceed 5 percent of the estimated cost of the project.

34873. The commission shall not approve a housing project unless there is submitted to and approved by the commission, plans setting forth:

(a) The area and location of the project.

(b) Plans of site development with plans, elevations, and perspective of typical houses and groups of houses.

(c) Specifications and estimates of cost of the project.

(d) A reasonable scheme of protective restrictions and of permanent maintenance of neighborhood and architectural control.

34874. When the commission has approved a project of a corporation formed for the sole purpose of clearing or reconstructing slum areas, the corporation may acquire the property necessary for the project by gift, bequest, purchase, or eminent domain.

34875. The power of eminent domain shall not be exercised by a corporation except with the specific authorization of the commission.

34876. The authorization shall be contained in a certificate of the commission specifying that after public hearing the commission has determined that the acquisition of the property by eminent domain and the construction of the housing on the property is in the public interest and necessary for the public use.

34877. The hearing shall be held at a time and place appointed by the commission. At least 10 days prior to the hearing the corporation shall give notice of the hearing by publication in a newspaper designated by the commission and published or circulated in the city or county where the property is located.

34878. A duly certified copy of the certificate of the commission is conclusive evidence of the matters certified in it in any proceeding in eminent domain to acquire property or any part of it set forth in the certificate.

34879. It is declared that congested, unsafe, and unsanitary housing conditions which exist in certain slum areas of this State are a menace to the health, safety, morals, and reasonable comfort of the residents of this State. The correction of these conditions is a public necessity and the acquisition of property necessary to permit the clearance and reconstruction of slum areas is declared to be a public use within the meaning of the laws relating to proceedings in eminent domain.

Article 4. Powers and Duties of the Commission of Housing

34900. The commission may order any corporation to make at its expense the repairs and improvements which will preserve or promote the health and safety of the occupants of buildings owned or operated by it.

34901. The commission may order any corporation to do acts necessary to comply with, or to refrain from doing acts in violation of, law, regulations of the commission, or the terms of any project approved by the commission.

34902. The commission may examine the corporation and keep informed as to its general condition, its capitalization, and the manner in which its property is constructed, leased, sold, operated, or managed.

34903. The commission may investigate the affairs of a corporation and its dealings, transactions, or relationships with other persons.

34904. Either through its members or agents duly authorized by it, the commission may enter upon and inspect the property, equipment, buildings, plants, offices, apparatus, and devices of a corporation, and examine all of its books, contracts, records, documents, and papers.

34905. The commission may prescribe uniform methods and forms of keeping corporation accounts, records, and books and by order prescribe accounts in which particular outlays and receipts shall be entered, charged, or credited.

34906. The commission may require a corporation to file with it periodic reports setting forth information required by the commission, verified by the oath of the president, general manager, receiver, or other person required to file it. The report shall be in the form, cover the period, and be filed at the time prescribed by the commission. The commission may require specific answers to questions upon which it desires information.

34907. The commission may make, amend, and repeal regulations for carrying this chapter into effect.

34908. The commission may conduct any investigation provided for by this chapter or appoint a person or committee of one or more commission members to do so.

34909. To carry out the purposes of this chapter, each member of the commission has the powers conferred upon the head of a department by Article 2, Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

34910. The commission may charge and collect from a corporation reasonable fees in accordance with rates established by the regulations of the commission:

(a) For the examination of plans and specifications and the supervision of construction, in an amount not to exceed one-half of 1 percent of the estimated cost of the project.

(b) For any investigation made upon application of a corporation for any act done by the commission, or its employees, in performance of their duties under this chapter, an amount reasonably calculated to meet the expenses of the commission incurred in the investigation. The commission may authorize a corporation to include such fees as part of the actual cost of a project.

34911. The commission shall fix and may revise the maximum rental per room charged the tenants of the housing accommodations furnished by the corporation, determined upon the basis of the actual cost of the project so that the rentals and all other income of the corporation will be sufficient to meet all fixed charges, dividend and interest requirements, and other charges of the corporation approved by the commission.

34912. The commission shall fix the price, terms of payment, rate of interest on deferred payments, and all other charges. The sale price shall be determined upon the basis of actual cost of the project so that the income from sales with other income of the corporation will be sufficient to meet and repay the actual cost and fixed charges. Such prices, interest, and other charges may be revised with the approval of the commission.

34913. The commission shall make reasonable rules regarding the resale, leasing, or subletting of property after a sale by the corporation, to prevent undue speculation in the property. The rules shall be in effect until the full purchase price and all outstanding obligations have been paid to the corporation.

34914. Upon application submitted in the manner required for the original project, the commission may permit the consolidation of two or more approved projects, the extension or amendment of any approved project, or the consolidation of any approved project with a proposed project. The commission shall not give its consent unless it is shown to its satisfaction that the consolidated or extended project is one that can be successfully operated pursuant to this chapter. The permissible rents, sales prices, and other charges may be average throughout the consolidated or extended project. The commission may likewise permit or decline to permit any corporation to organize and operate more than one project or to take over any project approved by the commission and to operate it independently of its other projects.

34915. The commission may bring a proceeding against any corporation to enforce the provisions of this chapter or of any order, permit, license, demand, or requirement of the commission, or to restrain their violation or threatened violation or

compel the performance of any act required by them. The proceeding shall be brought in the name of the people of the State of California, in the superior court of the county in which the corporation has its principal place of business.

34916. Every order, decision, permit, or other official act of the commission is subject to review pursuant to law within 20 days after its rendition. The burden of proof lies upon the appellant and the court shall receive and consider any pertinent oral or documentary evidence concerning the action of the commission under review. The court shall consider and determine only the question of whether there has been an abuse of discretion by the commission.

34917. If a mortgagee, trustee, or beneficiary commences foreclosure proceedings under a mortgage or deed of trust, a copy of the complaint or notice of breach and intention to sell shall be served upon the commission within 30 days of the filing of the complaint or the recording of the notice. Upon receipt of the copy, the commission shall immediately take the steps it deems necessary to protect the rights of all parties. If a limited dividend housing corporation bids and pays for the property at any sale in such action or under such power of sale a price sufficient to cover court costs and all liens or charges on the property, with interest, the property shall be sold to such corporation; otherwise the property may be sold free of all restrictions imposed by this chapter.

34918. When a corporation subject to the supervision of the Division of Banking or the Division of Insurance in the Department of Investment, or the Federal Government or any of its agencies has loaned on a mortgage or deed of trust which is a lien upon the property of a limited dividend housing corporation, Section 34917 does not apply, except that the commission shall be notified of any foreclosure proceedings and shall take all steps necessary to protect the rights of all parties.

34919. In the event of a judgment against a corporation in any action not pertaining to the collection of an indebtedness secured by mortgage or deed of trust, there shall not be a sale of any of its real property except upon 60 days' written notice to the commission. Upon receipt of such notice the commission shall take such steps as in its judgment are necessary to protect the rights of all parties.

Article 5. Financial Provisions

34940. A stockholder in a corporation shall not receive or accept from the corporation in the repayment of his investment in its stock any sum in excess of the par value of the stock, current dividends not to exceed 6 percent a year of its par value, and any cumulative dividends to which he is entitled.

34941. If required by the commission, the corporation shall deposit all money received by it as proceeds of the sale of its securities with a corporation in the State authorized to do trust business and to perform trust functions. The trustee

shall receive the money and make payment from it for the acquisition of the land, the construction of improvements, and other items entering into the actual cost of the project upon presentation of an order signed by a proper corporation officer, and if required by the commission, countersigned by a commission member or a person designated by the commission. If upon the completion of the project the corporation has made full payment, or has arranged for payment in a manner satisfactory to the commission, any money remaining in the custody of the trustee shall be paid to the corporation.

34942. The amount of net earnings transferable to surplus in any year, after making or providing for the payment of all fixed charges, dividend, and interest requirements approved by the commission, and other charges required or approved by the commission, is subject to the approval of the commission. The amount of such surplus shall not exceed 15 percent of the outstanding capital stock and obligation of the corporation, but the surplus shall not be deemed to include any increase in assets due to reduction of mortgage or bonded indebtedness or other similar payments. Unless the commission deems it too small, the balance of yearly net earnings in excess of the amount transferred to surplus shall be applied to the reduction of rentals on rental properties, the improvement of properties for sale, or the reduction of the sale price, as the commission prescribes.

34943. The provisions of the Corporate Securities Law not inconsistent with this chapter apply to a corporation formed under this chapter.

34944. Before the Corporation Commissioner issues a permit for the sale of any securities there shall be on file with him a certificate of the commission approving the project.

34945. A corporation shall not:

(a) Pay any dividends on its shares of stock at a rate in excess of 6 percent of their par value.

(b) Issue securities covering any project in an aggregate amount greater than the actual cost of the project, plus an allowance for working capital, not exceeding 5 percent of the estimated cost of the project or the actual cost if it is greater than the estimated cost.

(c) Issue securities except in exchange for money or property actually received for the use and lawful purpose of a corporation, or for services actually rendered to a corporation; securities shall not be issued for property except upon a valuation approved by the commission, and such valuation shall be used in computing actual or estimated costs.

34946. Each authorized issue of bonds shall relate to one specific project and shall be secured by mortgages or deeds of trust upon all the real property of which the project consists, except where units of the project are to be offered for sale, upon the approval of the commission, bonds may be issued in an amount to cover each unit of sale or to cover the entire project and may be paid off at any time.

34947. The bonds, mortgages, or deeds of trust may contain provisions approved by the commission including the right to assignment of rentals and entry into possession in case of default, but the operation of the housing projects after entry by mortgagees, trustees, or receivers is subject to regulation by the commission pursuant to this chapter.

34948. The mortgages or trust deeds may create a first lien and a second lien upon all the real property embraced under the project.

CHAPTER 2. COMMUNITY LAND CHEST LAW

Article 1. General Provisions

35100. This chapter may be cited as the Community Land Chest Law.

35101. Unless the context otherwise requires, the definitions contained in this article govern the construction of this chapter.

35102. "Commissioner" means the Commissioner of Corporations of the Division of Corporations, Department of Investment.

35103. "Actual cost" means the cost of the land and buildings, charges for financing and supervision, and carrying charges during construction, including interest on borrowed money and invested capital.

35104. "Fixed charges" includes all operating and maintenance charges, taxes, assessments, insurance and depreciation, amortization, interest, sinking fund, and other expenses and charges.

35105. "Security" includes any stock, bond, note, treasury note, debenture, evidence of indebtedness, certificate of interest or participation, profit sharing agreement or certificate of interest in it, collateral trust certificate, transferable share, investment contract, or other instrument commonly known as a security. It does not include mortgages, trust deeds, bills of exchange, trade acceptances, promissory notes, or other commercial paper, issued or given in the ordinary course of business, and not offered for sale to the public or not sold to an underwriter for the purpose of resale.

35106. "Corporation" means land chest corporation formed pursuant to this chapter.

35107. A corporation having shares of capital stock, or any of its agents or officers, shall not use or permit to be used as part of the corporate name of the corporation the words "land chest" or "community land chest." Every nonprofit corporation organized before or after May 25, 1933, having as any part of its corporate name the words "land chest" or "community land chest" is subject to this chapter and shall not transact any business in the State unless it has complied with this chapter.

35108. Every person violating any of the provisions of this chapter is guilty of a misdemeanor.

Article 2. Formation of Land Chest Corporations

35130. Pursuant to this chapter corporations may be formed for the purpose of providing housing in rural and suburban areas for families of low income.

35131. The laws relating to nonprofit corporations generally apply to corporations formed under this chapter, except where inconsistent with the provisions of this chapter.

35132. Before the articles of incorporation of any corporation may be filed in the office of the Secretary of State, there shall be attached to them a certificate of the commissioner approving them.

35133. In addition to other requirements of law, the articles of incorporation shall set forth :

(a) That the corporation is formed wholly for the purpose of providing housing in rural and suburban areas for families of low income.

(b) That the corporation will be subject to the supervision and control of the Commissioner of Corporations or other appropriate state authority and subject to this chapter.

(c) That upon liquidation or dissolution of the corporation any surplus remaining after the payment of debts and obligations and the repayment to the corporation members of the respective amounts of their subscriptions, contributions, fees, dues, and assessments, will revert to the State.

Article 3. Powers and Duties of Land Chest Corporations

35160. A corporation may :

(a) Borrow money from, or sell, pledge, or discount its securities, or mortgage, pledge, or otherwise hypothecate its property to, the Reconstruction Finance Corporation, Federal Home Loan Bank, or any other corporation or agency established by the United States or the State.

(b) Comply with the provisions for membership and become a member of the Federal Home Loan Bank or of any other corporation or agency established by the United States or the State.

(c) Comply with any regulations of the Reconstruction Finance Corporation.

35161. A corporation shall not start or undertake a housing project without the approval of the commissioner.

35162. The commissioner shall not approve a housing project unless :

(a) It appears practicable to rent or sell the proposed housing accommodations at rentals or sales prices not exceeding those prescribed by the commissioner.

(b) The project conforms to any zoning or building ordinance of the locality where it is located.

(c) There is submitted to and approved by the commissioner a financial plan in the form prescribed by him setting forth the method of making money available for the actual cost

of the land and improvements, and the cost of organization, administration, maintenance, and operation.

35163. The commissioner shall not approve a housing project unless there is submitted to and approved by him plans setting forth:

(a) The area and location of the project.

(b) Plans of development.

(c) Estimates of cost of the project.

(d) Estimated rentals and selling prices of properties to be rented or sold, terms of payment, and interest rates upon deferred payments.

35164. Except pursuant to the regulations of the commissioner or, if there is none, with his approval, a corporation shall not:

(a) Acquire any real property or interest in it.

(b) Sell, transfer, assign, or lease any real property to any person.

(c) Charge or accept any rental, fee, or other charge for housing accommodations in any building constructed, acquired, operated, sold, or managed by it.

(d) Mortgage or otherwise encumber any real property.

(e) Use any building erected or acquired by it for other than housing and incidental purposes.

(f) Enter into contracts for the construction of housing projects or for the payment of salaries to officers or employees.

(g) Effect any reorganization.

(h) Voluntarily dissolve or transfer all or substantially all of its assets.

(i) Make any guaranty.

35165. Any purchase, conveyance, contract, encumbrance, lease, or sublease made in violation of this chapter and any transfer or assignment of them is void.

35166. If a corporation is liquidated or dissolved, its assets remaining after paying or adequately providing for its debts and obligations shall be distributed to its members to the extent of the payments of contributions, subscriptions, fees, dues, and assessments paid to it by each member, without interest or profit. The remainder of the assets revert to the State.

Article 4. Powers and Duties of the Commissioner of Corporations

35190. The commissioner may make, amend, and repeal regulations for carrying this chapter into effect.

35191. The commissioner may fix and revise the maximum rental charged tenants of the housing accommodations rented by a corporation, determined upon the basis of the actual cost of the project so that the rentals, with all other income of the corporation, will be sufficient to meet all fixed charges, interest requirements, and other charges of the corporation approved by the commissioner.

35192. The commissioner may determine and fix the price, terms of payment, rate of interest on deferred payments, and all other charges of properties offered for sale or sold.

35193. The commissioner may examine all corporations and keep informed as to their general condition and the manner in which their property is acquired, constructed, leased, sold, operated, or managed.

35194. The commissioner may investigate into the affairs of a corporation and its dealings, transactions, or relationships with other persons.

35195. Either through his deputies or representatives, the commissioner may enter upon and inspect the property, equipment, buildings, plants, offices, apparatus, and devices of any corporation, and examine its books, contracts, records, documents, and papers.

35196. The commissioner may prescribe uniform methods and forms of keeping accounts, records, and books to be observed by a corporation and prescribe by order accounts in which particular outlays and receipts shall be entered, charged, or credited.

35197. The commissioner may require every corporation to file with him periodic reports setting forth the information he requires, verified by the oath of the president, general manager, receiver, or person required to file it. The report shall be in the form, cover the period, and be filed at the time prescribed by the commissioner. The commissioner may further require specific answers to questions upon which he desires information.

35198. The commissioner may order a corporation to make at its expense repairs and improvements which will preserve or promote the health and safety of the occupants of buildings owned or operated by it.

35199. The commissioner may order a corporation to do acts necessary to comply with, or to refrain from doing acts in violation of, law, regulations adopted by the commissioner, or the terms of any project approved by the commissioner.

35200. The commissioner may immediately take possession of the property and business of a corporation and retain possession until it resumes business or its affairs are finally liquidated if any of the following events occur:

(a) When it appears to the commissioner that the corporation has violated its articles of incorporation or any state law or is conducting its business in an unsafe or unsound manner.

(b) The corporation refuses to submit its books and papers to the inspection of the commissioner or his authorized representative.

(c) If it appears to the commissioner that the corporation is unsound or in an unsafe condition to transact the business for which it was organized, or that it is unsafe and inexpedient for it to continue to conduct its business.

35201. If the commissioner takes possession of the property and business of any corporation he has the same powers and duties with respect to it as are conferred upon the Super-

intendent of Banks with respect to banking institutions by the Financial Code and the commissioner may liquidate the corporation pursuant to the Financial Code so far as it is applicable.

(Amended by Stats. 1953, Ch. 495.)

35202. The commissioner may bring a proceeding against the corporation to enforce the provisions of this chapter or of any order, permit, license, demand, or requirement of the commissioner, to restrain their violation or threatened violation, or to compel the performance of any act required by them. The proceeding shall be brought in the name of the people of the State of California, in the superior court of the county in which the corporation has its principal place of business.

35203. Every order, decision, permit, or other official act of the commissioner is subject to review pursuant to law within 20 days after its rendering.

The burden of proof lies upon the appellant, and the court shall receive and consider any pertinent oral or documentary evidence concerning the action of the commissioner under review. The court shall consider and determine only the question of whether there has been an abuse of discretion by the commissioner.

35204. The commissioner may charge and collect from a corporation reasonable fees in accordance with rates established by the regulations of the commissioner:

(a) For the examination of plans and specifications and the supervision of any project, in an amount not to exceed one-half of 1 percent of the estimated cost of the project.

(b) For any investigation made upon application of a corporation for any act done by the commissioner or his employees, in performance of their duties under this chapter, an amount reasonably calculated to meet the expenses of the commissioner incurred in the investigation. The commissioner may authorize a corporation to include such fees as part of the actual cost of a project.

35205. If a mortgagee, trustee, or beneficiary commences foreclosure proceedings under a mortgage or deed of trust which is a lien upon corporation property, a copy of the complaint or notice of breach and intention to sell shall be served upon the commissioner within five days of the filing of the complaint or the recording of the notice. Upon receipt of the copy, the commissioner shall immediately take such steps as he deems necessary to protect the rights of all parties.

35206. In the event of a judgment against a corporation in any action not pertaining to the collection of an indebtedness secured by mortgage or deed of trust, sale of any of the real property of such corporation shall not be made except upon 60 days' written notice to the commissioner. Upon receipt of the notice the commissioner shall take such steps as in his judgment are necessary to protect the rights of all parties.

Article 5. Financial Provisions

35230. The provisions of the Corporate Securities Law not inconsistent with this chapter apply to corporations formed under this chapter.

35231. A corporation shall not:

(a) Issue securities covering any project undertaken in an aggregate amount greater than the actual cost of the project, plus an allowance for working capital, not exceeding 5 percent of the estimated cost of the project or of the actual cost, if greater than the estimated cost.

(b) Issue securities except in exchange for money or property actually received for the use and lawful purpose of the corporation. No securities shall be issued for property except upon a valuation approved by the commissioner, and such valuation shall be used in computing actual or estimated costs.

35232. Each authorized issue of securities shall relate to one specific project and may be secured by mortgages or deeds of trust upon the real property of which the project consists, except where units of the project are to be offered for sale the securities may be issued in an amount to cover each individual unit of sale or to cover the entire project intended to be sold.

35233. Bonds, mortgages, or deeds of trust may contain provisions approved by the commissioner, including the right to assignment of rentals and entry into possession in case of default.

35234. Mortgages or trust deeds may create a first lien and a second lien upon real property.

35235. A corporation shall not conduct its operations for the profit of the corporation or its members, nor shall any corporation enter into any selling agency agreement intended to divert, or which diverts to its members or to third persons any portion of the profits accruing to the corporation.

35236. The amount of net earnings transferable to surplus in any year, after making or providing for the payment of all fixed charges, interest requirements, and other charges is subject to the approval of the commissioner. The aggregate amount of such surplus shall not exceed 15 percent of the total sum of all contributions by the public, subscriptions, dues, fees, and assessments paid by members, plus the outstanding obligations of the corporation. Unless the commissioner deems it too small, the balance of yearly net earnings in excess of the amount transferred to surplus shall be applied to the reduction of rentals on rental properties, the improvement of properties for sale, or the reduction of the sale price of such property, as the commissioner prescribes.

35237. A member of a corporation shall not accept or receive from the corporation, either during its existence as a corporation or upon its liquidation or dissolution, any repayment of any sum in excess of his subscription, contribution, fees, dues, or assessments.

PART 4. TEMPORARY HOUSING PROJECTS LAW

(Part 4 added by Stats. 1955, Ch. 1246. See note following Section 35450)

CHAPTER 1. GENERAL PROVISIONS

(Chapter 1 added by Stats. 1955, Ch. 1246)

35450. This part may be cited as the Temporary Housing Projects Law.

(Added by Stats. 1955, Ch. 1246.)

NOTE: Stats. 1959, Ch. 269, contained the following provision:

SEC. 2. Section 2 of Chapter 1246 of the 1955 Statutes is amended to read:

Sec. 2. The provisions of this act shall remain in effect until the ninety-first day after final adjournment of the 1969 General Session of the Legislature.

35451. The existing federal law contemplates the transfer of federally owned temporary housing projects to qualified public agencies without monetary consideration, except for payment for the costs of transfer and the land owned by the Federal Government in such projects.

In enacting this part, the Legislature hereby finds and declares that cities, counties, cities and counties, and housing authorities in California should be provided with standards and should have clear and explicit authority to accept the transfer, to operate and dispose of the housing consistent with conditions imposed on such transfers by federal law; and that the continued operation of such housing by cities, counties, cities and counties, and housing authorities in the State during the period of the present housing shortage is a public use and purpose for which public money may be spent and private property acquired and is a governmental function of state concern, and that the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination and of state-wide application.

(Added by Stats. 1955, Ch. 1246.)

35452. The definitions and general provisions contained in this chapter govern the construction of this part, unless the context otherwise requires.

(Added by Stats. 1955, Ch. 1246.)

35453. "Governing body" means the city council in the case of a city and the board of supervisors in the case of a county.

(Added by Stats. 1955, Ch. 1246.)

35454. "Area of operation" means:

(a) In the case of a city, the area embracing the territory included in a city and area within five miles of its territorial boundaries. It does not include any area which lies in the territorial boundaries of another city unless the governing body of such other city has consented by resolution. It does not include any area which lies within the unincorporated area of any county for which a housing authority has been

authorized to transact business pursuant to the Housing Authorities Law.

(b) In the case of a county, the area embracing all of the territory of the county. A county shall not own or operate a temporary housing project within the boundaries of a city unless a resolution is adopted by the governing body of such city declaring that there is a need for the county to exercise the powers granted by this part within such city.

(c) In the case of a housing authority, the area of operation prescribed for such housing authority by Sections 34208 and 34209.

(Added by Stats. 1955, Ch. 1246.)

35455. "Temporary housing project" means any federally owned temporary housing project or any part thereof in the State of California or any such project after the ownership has been transferred to a city, county, or housing authority. It also includes all real and personal property, assets, cash or other funds held or used in connection with the acquisition, operation, or disposition of a temporary housing project.

(Added by Stats. 1955, Ch. 1246.)

CHAPTER 2. ACQUISITION AND OPERATION OF TEMPORARY HOUSING PROJECTS

(Chapter 2 added by Stats. 1955, Ch. 1246)

35480. Any city, county, or housing authority may acquire through purchase or gift any federally owned temporary housing project within the area of operation of such city, county, or housing authority, and own, operate, maintain, and dispose of such project pursuant to this part.

(Added by Stats. 1955, Ch. 1246.)

35481. Every city, county, or housing authority shall have all the powers necessary or convenient to carry out the purposes and provisions of this part, including the powers granted by this part or by any other provision of law.

(Added by Stats. 1955, Ch. 1246.)

35482. Within its area of operation and with reference to temporary housing projects, a city, county, or housing authority may contract for and accept the transfer of temporary housing projects or parts thereof from the Federal Government and operate the projects and provide for the improvements, reconstruction, alteration, repair or disposition of all or part of any existing project. This chapter does not authorize a city, county, or housing authority to construct additional dwelling units.

(Added by Stats. 1955, Ch. 1246.)

35483. Within its area of operation and with reference to temporary housing projects, a city, county, or housing authority may arrange and contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for or in connection with its project and, notwithstanding anything to the contrary contained in this part or

in any other provision of law, may include, in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which may be attached to the transfer of the project from the Federal Government.

(Added by Stats. 1955, Ch. 1246.)

35484. Within its area of operation and with reference to temporary housing projects a city, county, or housing authority may:

(a) Lease or rent any dwellings, accommodations, lands, buildings, structures, or facilities embraced in any project, and subject to the preference provisions contained in this part or any conditions which may be imposed on the transfer of the project from the Federal Government with respect to the rental of dwellings in temporary housing projects, establish standards of eligibility for occupancy and revise the rents or charges therefor.

(b) Own, hold, and improve real or personal property.

(c) Purchase, lease, obtain options upon, acquire by gift, bequest, devise or otherwise, any real or personal property or any interest therein.

(d) Sell, lease, exchange, transfer, assign, purchase, or dispose of, any real or personal property or any interest therein.

(e) Insure or provide for the insurance of any real or personal property or operations of any projects against any risks or hazards.

(f) Employ such officers and employees, permanent and temporary, as may be required, determine their qualifications, duties and compensation, and delegate to one or more of them such powers or duties as may be necessary for the acquisition, operation, or disposition of any temporary housing project.

(Added by Stats. 1955, Ch. 1246.)

35485. Within its area of operation and with reference to a temporary housing project, a city, county, or housing authority may agree to any conditions required by the Federal Government pursuant to federal law as a condition to the transfer of any federally owned temporary housing project or part thereof, but no such condition shall prevent the disposition either for public or private use of the interest in land so acquired.

(Added by Stats. 1955, Ch. 1246.)

35486. Within its area of operation and with reference to a temporary housing project, a city, county, or housing authority may exercise all or any part or combination of powers granted in this part.

(Added by Stats. 1955, Ch. 1246.)

35487. The exercise by a city, county, or housing authority of the powers herein granted may be authorized by resolution of the governing body of such city, county, or housing authority, adopted by a majority of the members of its governing body present at a meeting of such governing body, which reso-

lution may be adopted at the meeting at which such resolution was introduced. Such a resolution shall be deemed to be administrative in character and shall take effect immediately and need not be laid over, published, or posted. After the effective date of this part, the exercise by a city or county of the powers herein granted shall be authorized by ordinance of the governing body of such city or county.

(Added by Stats. 1955, Ch. 1246.)

35488. Cities, counties, and housing authorities may join with one another in the exercise of any or all of the powers conferred hereby for the purpose of operating a temporary housing project located within the area of operation of any one or more of such cities, counties, or housing authorities. With the approval of the governing body of any city or county in which a housing authority has been authorized to operate, any housing authority in existence upon the effective date of this part may operate, as agent or under a lease, any temporary housing project owned by any such city or county.

(Added by Stats. 1955, Ch. 1246.)

35489. It is hereby declared to be the policy of this State that each city, county, or housing authority shall manage and operate its projects which are subject to the provisions of this part in an efficient manner and that it shall in any event establish the rentals or payments for dwelling accommodations at rents which shall be ample to cover all costs of operation, maintenance, and disposition of such project, including amounts necessary for payments in lieu of taxes, the creation of reserves, and the payment of currently maturing installments of principal and interest on any indebtedness incurred in connection with the acquisition of land acquired for such project.

(Added by Stats. 1955, Ch. 1246.)

35490. Each city, county, or housing authority shall establish reserves which it determines to be reasonable for the maintenance of the project and its eventual disposition.

(Added by Stats. 1955, Ch. 1246.)

35491. In the selection of tenants for temporary housing projects subject to the provisions of this part, a city, county, or housing authority shall give preference in occupancy to families of distressed veterans and servicemen. Any city, county, or housing authority may agree to any conditions concerning preference in occupancy which may be imposed on the transfer of the project from the Federal Government.

(Added by Stats. 1955, Ch. 1246.)

35492. Notwithstanding the preferences required by this part, any city, county, or housing authority may agree to give preference in occupancy to military personnel and persons engaged in national defense or mobilization activities as the Secretary of Defense or his designee may prescribe.

(Added by Stats. 1955, Ch. 1246.)

35493. A temporary housing project is declared to be public property used for essential public and governmental purposes

and is for a public use and purpose and involves a governmental function of state concern. As a matter of legislative determination, it is hereby found and declared that the properties involved in temporary housing projects are of such character and shall be exempt from taxation. In lieu of taxes on the property incorporated in a temporary housing project, a city, county, or housing authority may make such payments in lieu of taxes out of revenues of such temporary housing project to the taxing bodies, except that in no event shall such payments in lieu of taxes to any taxing body exceed in any year the amount which would be received by the taxing body in taxes from the temporary housing project if the temporary housing project were privately owned and subject to taxation.

(Added by Stats. 1955, Ch. 1246.)

35494. No housing authority may after the effective date of this part acquire pursuant to this part a temporary housing project.

(Added by Stats. 1955, Ch. 1246.)

CHAPTER 3. FINANCIAL PROVISIONS

(Chapter 3 added by Stats. 1955, Ch. 1246)

35520. A city, county, or housing authority may issue notes to the Federal Government, or any agency thereof, to finance the acquisition of real property involved in a temporary housing project and execute a mortgage or deed of trust secured by the property so acquired, and by the net revenue from the project before reserves.

The obligation of the city, county, or housing authority is limited to the security on the mortgage or deed of trust and is not secured by the taxing power of the city, county, or housing authority. The general fund of such city, county, or housing authority is not liable for the payment of such notes or their interest.

(Added by Stats. 1955, Ch. 1246.)

35521. The members of the governing body of a city, county, or housing authority, or any person executing a note authorized by this part, shall not be liable personally on any such note by reason of the issuance thereof hereunder.

(Added by Stats. 1955, Ch. 1246.)

35522. Notes of a city, county, or housing authority issued pursuant to this part are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes. No other act or law with regard to the authorization or issuance of notes of a city, county, or housing authority shall be construed as applying to any proceedings taken hereunder or acts done pursuant hereto.

(Added by Stats. 1955, Ch. 1246.)

CHAPTER 4. DISPOSITION OF TEMPORARY HOUSING PROJECTS
(Chapter 4 added by Stats. 1955, Ch. 1246)

35540. Any temporary housing project transferred by the Federal Government to any city, county, or housing authority may be disposed of in whole or in part by the city, county, or housing authority after the governing body of the city, county, or housing authority determines by resolution that the need for the operation of the housing, or any part thereof, pursuant to the provisions of this part, has passed.

(Added by Stats. 1955, Ch. 1246.)

35541. Dwelling structures in any such temporary housing project shall not be disposed of for use as housing, but such dwelling structures shall be demolished and shall be demolished not later than one year after the ninety-first day after final adjournment of the 1969 General Session of the Legislature.

(Added by Stats. 1955, Ch. 1246; amended by Stats. 1959, Ch. 269.)

35542. Any city, county, or housing authority may agree to any conditions concerning the eventual disposition of the structures which are attached to the transfer from the Federal Government if such conditions are not inconsistent with the provisions of this part.

(Added by Stats. 1955, Ch. 1246.)

35543. In demolishing the dwelling structures in the manner required by this chapter, any city, county, or housing authority may employ its own forces, but if the dwelling structures are to be offered for sale and demolition by contract, the contract for such sale and demolition shall be executed only after advertising and the receipt of sealed bids. The award or awards shall be made to the responsible bidder or bidders submitting the best offers.

(Added by Stats. 1955, Ch. 1246.)

35544. After the disposition of the housing pursuant to the provisions of this part, any part of the land included in the project may thereafter be devoted to other authorized public uses of the city, county, or housing authority. If the city, county, or housing authority does not require the land for other public uses, the sale of the land either in its entirety or in suitable parcels shall be conducted under the laws of the State controlling the sale of other lands of the city, county, or housing authority.

(Added by Stats. 1955, Ch. 1246.)

35545. Upon the disposition of the housing or the sale of all or part of the land included in the project, the proceeds derived from the operation of the temporary housing project and any such disposal or sale, after the payment of any expenses incident to the sale and the liquidation of any indebtedness outstanding in relation to the temporary housing project, shall be deposited in the general fund of such city, county, or housing authority. Any housing authority may agree, notwithstanding the provisions of any other law, with

any city or county in which the temporary housing project is situated or any city for which the housing authority was established to pay to the city or county any part of the net proceeds derived from the operation and disposition of such temporary housing project.

(Added by Stats. 1955, Ch. 1246.)

CHAPTER 5. VALIDATION

(Chapter 5 added by Stats. 1955, Ch. 1246)

35546. Every acquisition of, transfer to and contract for the acquisition of a temporary housing project or part thereof by a city, county, or housing authority from the Federal Government and the operation and disposal of such temporary housing project and the revenues therefrom by a city, county, or housing authority heretofore completed, executed, made or done which acquisition, transfer, contract for acquisition, operation or disposal of a temporary housing project conforms to the requirements of this part is hereby validated, confirmed, ratified and declared legally effective and all acts and proceedings heretofore taken by or on behalf of any city, county, or housing authority for such acquisition, contract for the acquisition, transfer of a temporary housing project or the operation or disposal of a temporary housing project and the revenues therefrom, are hereby confirmed, validated and declared legally effective. This shall include all acts and proceedings of the governing board of such city, county, or housing authority or of any person, public officer, board or agency heretofore done or taken in connection with acquisition, contract for acquisition, transfer or operation or disposal of such a temporary housing project and the revenues therefrom. This part shall be construed to supply such legislative authorization as might have been necessary to authorize such acquisition, contract for acquisition, transfer, operation or disposal of a temporary housing project and the revenues therefrom by a city, county, or housing authority.

(Added by Stats. 1955, Ch. 1246.)

PART 5. DISCRIMINATION IN HOUSING

(Part 5 added by Stats. 1959, Ch. 1681; repealed and added by Stats. 1963, Ch. 1853)

NOTE: Stats. 1963, Ch. 1853, also contained the following provision:

SEC. 5. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 1. FINDINGS AND DECLARATION OF POLICY

(Chapter 1 added by Stats. 1959, Ch. 1681; repealed and added by Stats. 1963, Ch. 1853. See note at beginning of Part 5)

35700. The practice of discrimination because of race, color, religion, national origin, or ancestry in housing accommodations is declared to be against public policy.

This part shall be deemed an exercise of the police power of the State for the protection of the welfare, health, and peace of the people of this State.

CHAPTER 2. DEFINITIONS

(Chapter 2 added by Stats. 1959, Ch. 1681; repealed and added by Stats. 1963, Ch. 1853. See note at beginning of Part 5)

35710. When used in this part:

1. The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy and receivers or other fiduciaries.

2. The term "housing accommodation" includes any improved or unimproved real property, or portion thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings, but shall not include any accommodations operated by a religious, fraternal, or charitable association or corporation not organized or operated for private profit; provided, that such accommodations are being used in furtherance of the primary purpose or purposes for which the association or corporation was formed.

3. The term "publicly assisted housing accommodation" includes any housing accommodation within the State:

(a) Which at the time of any alleged unlawful discrimination under Section 35720 is granted exemption in whole or in part from taxes levied by the State or any of its political subdivisions; provided, that nothing herein contained shall apply to any housing accommodations solely because the owner thereof enjoys any type of tax exemption by virtue of his veteran status.

(b) Which is constructed on land sold below cost by the State or any of its political subdivisions or any agency thereof, pursuant to the Federal Housing Act of 1949.

(c) Which is constructed in whole or in part on property acquired or assembled by the State or any of its political subdivisions or any agency thereof through the power of condemnation or otherwise for the purpose of such construction.

(d) The acquisition or construction of which is, at the time of any alleged unlawful discrimination under Section 35720, financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or in-

sured by the federal government or any agency thereof, or the State or any of its political subdivisions or any agency thereof.

4. The term "owner" includes the lessee, sublessee, assignee, managing agent, real estate broker or salesman, or any person having any legal or equitable right of ownership or possession or the right to rent or lease housing accommodations, and includes the State and any of its political subdivisions and any agency thereof.

5. The term "discriminate" includes to segregate or separate.

6. The term "multiple dwelling" means a dwelling which is occupied, as a rule, for permanent residence purposes and which is either rented, leased, let or hired out, to be occupied as the residence or home of three or more families living independently of each other. A "multiple dwelling" shall not be deemed to include a hospital, convent, monastery, public institution, or a building used wholly for commercial purposes except for not more than one janitor's apartment and not more than one housing accommodation occupied by not more than two families. The term "family" means either a person occupying a dwelling and maintaining a household, with not more than four boarders, roomers or lodgers, or two or more persons occupying a dwelling, living together and maintaining a common household, with not more than four boarders, roomers or lodgers. A "boarder," "roomer" or "lodger" residing with a family means a person living within the household who pays a consideration for such residence and does not occupy such space within the household as an incident of employment therein.

(Added by Stats. 1959, Ch. 1681; amended by Stats. 1961, Ch. 1053; repealed and added by Stats. 1963, Ch. 1853. See note at beginning of Part 5.)

CHAPTER 3. DISCRIMINATION PROHIBITED

(Chapter 3 added by Stats. 1959; repealed and added by Stats. 1963, Ch. 1853. See note at beginning of Part 5)

35720. It shall be unlawful:

1. For the owner of any publicly assisted housing accommodation which is in, or to be used for, a multiple dwelling, with knowledge of such assistance, to refuse to sell, rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodation because of the race, color, religion, national origin, or ancestry of such person or persons.

2. For the owner of any publicly assisted housing accommodation which is in, or to be used for, a multiple dwelling, with knowledge of such assistance, to discriminate against any person because of the race, color, religion, national origin or ancestry of such person in the terms, conditions or privileges of any publicly assisted housing accommodations or in the furnishing of facilities or services in connection therewith.

3. For any owner of any publicly assisted housing accommodation which is in, or to be used for, a multiple dwelling, with knowledge of such assistance, to make or to cause to be made any written or oral inquiry concerning the race, color, religion, national origin or ancestry of a person seeking to purchase, rent or lease any publicly assisted housing accommodation for the purpose of violating any of the provisions of this part.

4. For the owner of any publicly assisted housing accommodation which is a single family dwelling occupied by the owner, with knowledge of such assistance, to commit any of the acts prohibited by subdivisions 1, 2, and 3.

5. For the owner of any dwelling, other than a dwelling containing not more than four units, to commit any of the acts prohibited by subdivisions 1, 2, and 3.

6. For any person subject to the provisions of Section 51 of the Civil Code, as that section applies to housing accommodations, as defined in this part, and to transactions relating to sales, rentals, leases, or acquisition of housing accommodations, as defined in this part, to discriminate against any person because of race, color, religion, national origin, or ancestry with reference thereto.

7. For any person, bank, mortgage company or other financial institution to whom application is made for financial assistance for the purchase, organization, or construction of any housing accommodation to discriminate against any person or group of persons because of the race, color, religion, national origin or ancestry of such person or persons, or of prospective occupants or tenants, in the terms, conditions or privileges relating to the obtaining or use of any such financial assistance.

8. For any person to aid, abet, incite, compel or coerce the doing of any of the acts or practices declared unlawful in this section, or to attempt to do so.

(Added by Stats. 1959, Ch. 1681; repealed and added by Stats. 1963, Ch. 1853. See note at beginning of Part 5.)

CHAPTER 4. ENFORCEMENT

(Added by Stats. 1959, Ch. 1681; repealed and added by Stats. 1963, Ch. 1853. See note at beginning of Part 5)

35730. The State Fair Employment Practice Commission created by Section 1414 of the Labor Code is empowered to prevent violations of Section 35720, after a verified complaint has been filed with the commission pursuant to Section 35731.

(Added by Stats. 1959, Ch. 1681; repealed and added by Stats. 1963, Ch. 1853. See note at beginning of Part 5.)

35730.5. The commission, in connection with its functions under this part, shall have the following powers and duties:

(a) To meet and function at any place within the State.

(b) To appoint an attorney, and such clerks and other employees as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

(c) To obtain upon request and utilize the services of all governmental departments and agencies.

(d) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this part.

(e) To receive, investigate and pass upon verified complaints alleging discrimination in housing accommodations, as defined in this part, because of race, religious creed, color, national origin or ancestry.

(f) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, examine any person under oath and, in connection therewith, to require the production of any books or papers at such hearings relating to any matter under investigation or in question before the commission.

(g) To create such advisory agencies and conciliation councils, local or otherwise, as in its judgment will aid in effectuating the purposes of this part, and may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of race, religious creed, color, national origin, or ancestry, and to foster, through community effort or otherwise, good will, co-operation, and conciliation among the groups and elements of the population of the State and to make recommendations to the commission for the development of policies and procedures in general. Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay.

(h) To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, religious creed, color, national origin, or ancestry.

(i) To render annually to the Governor and biennially to the Legislature a written report of its activities and of its recommendations.

(Added by Stats. 1959, Ch. 1681; repealed and added by Stats. 1963, Ch. 1853. See note at beginning of Part 5.)

35731. Any person claiming to be aggrieved by an alleged violation of Section 35720 may file with the commission a verified complaint in writing which shall state the name and address of the person alleged to have committed the violation complained of, and which shall set forth the particulars thereof and contain such other information as may be required by the commission. However, no such complaint may be made or filed unless the person claiming to be aggrieved waives any and all rights or claims that he may have under Section 52 of the Civil Code and signs a written waiver to that effect.

No complaint may be filed after the expiration of 60 days from the date upon which the alleged violation occurred. This period may be extended for not to exceed 60 days following the expiration of the initial 60 days, if a person allegedly ag-

grieved by such violation first obtained knowledge of the facts of such alleged violation after the expiration of the initial 60 days from date of its occurrence.

The State Fair Employment Practice Commission may thereupon proceed upon such complaint in the same manner and with the same powers as provided in Part 4.5 (commencing with Section 1410) of Division 2 of the Labor Code in the case of an unlawful employment practice, and the provisions of that part which are not inconsistent with this part as to the powers, duties and rights of the State Fair Employment Practice Commission, its chairman, members, attorneys or agents, the complainant, the respondent, the Attorney General and the superior court, shall apply to any proceeding under the provisions of this section. However, Section 1430 of the Labor Code shall not apply to this part, and the Attorney General may not make, sign, or file a complaint under this part.

(Added by Stats. 1963, Ch. 1853. See note at beginning of Part 5.)

35732. (a) If such verified complaint alleges facts, directly or upon information and belief, sufficient to constitute a violation of any of the provisions of Section 35720, the chairman of the commission shall designate one of the commissioners to make, with the assistance of the commission's staff, prompt investigation in connection therewith. If such commissioner determines after preliminary investigation that probable cause exists for believing the allegations of the complaint, he shall immediately endeavor to eliminate the alleged unlawful practice by conference, conciliation, and persuasion.

(b) If, after the preliminary investigation, probable cause does not exist for believing the allegations of the complaint, the assigned commissioner shall dismiss the complaint. Notice of dismissal shall be sent to the respondent and the complainant by registered mail—return receipt requested and the complainant then shall have 15 days from the receipt day to file an appeal to the dismissal.

If the assigned commissioner fails to eliminate such alleged unlawful practice and believes probable cause still exists, he may issue and serve in the name of the commission, a written accusation together with a copy of such complaint, as the same may have been amended, requiring the owner named in such accusation, hereinafter referred to as "respondent," to answer the charges of such accusation at a hearing.

The written accusation, hearings, and all matters pertaining thereto shall be in accordance with the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code, and the commission shall have all the powers granted therein.

(Added by Stats. 1963, Ch. 1853. See note at beginning of Part 5.)

35733. After a verified complaint has been filed with the commission pursuant to Section 35731, and the preliminary investigation thereof has been carried out, or a 20-day period

has elapsed from the filing of the verified complaint, if the preliminary investigation has not then been completed, an appropriate superior court may, upon the motion of the respondent, order the commission to give to the respondent, within a specified time, a copy of any book, document, or paper, or any entries therein, in the possession or under the control of the commission, containing evidence relating to the merits of the verified complaint, or to a defense thereto. The commission shall comply with such an order.

(Added by Stats. 1963, Ch. 1853. See note at beginning of Part 5.)

35734. The commission, at any time after a complaint is filed with it and it has been determined that probable cause exists for believing that the allegations of the complaint are true and constitute a violation of this part, may bring an action in the superior court to enjoin the owner of the property from taking further action with respect to the rental, lease, or sale of the property until the commission has completed its investigation and made its determination; but a temporary restraining order obtained under this section shall not, in any event, be in effect for more than 20 days. In such action an order or judgment may be entered awarding such temporary restraining order or such preliminary or final injunction in accordance with Section 527 of the Code of Civil Procedure.

(Added by Stats. 1963, Ch. 1853. See note at beginning of Part 5.)

35735. All matters connected with any conference, conciliation, or persuasion efforts under this part are privileged and may not be received in evidence. The members of the commission and its staff shall not disclose to any person what has transpired in the course of such endeavors to conciliate. Every member of the commission or its staff who discloses information in violation of this section is guilty of a misdemeanor. Such disclosure by an employee subject to civil service shall be cause for disciplinary action under the State Civil Service Act.

(Added by Stats. 1963, Ch. 1853. See note at beginning of Part 5.)

35736. When an owner is contacted by the commission, a commissioner, or a member of the commission's staff, he shall be informed whether the contact is for the purpose of investigation or conference, conciliation, or persuasion; and if it is for conference, conciliation, or persuasion, he shall be informed that all matters relating thereto are privileged.

(Added by Stats. 1963, Ch. 1853. See note at beginning of Part 5.)

35737. The commission shall without undue delay cause a copy of the verified complaint that has been filed under the provisions of this part to be served upon or mailed to the owner alleged to have committed the violation complained of.

(Added by Stats. 1963, Ch. 1853. See note at beginning of Part 5.)

35738. If the commission finds that a respondent has engaged in any unlawful practice as defined in this part, the commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such practice and to take one of the following affirmative actions, as, in the judgment of the commission, will effectuate the purpose of this part:

(1) The sale or rental of the housing accommodation to the aggrieved person, if it is still available.

(2) The sale or rental of a like accommodation, if one is available, or the next vacancy in a like accommodation.

(3) The payment of damages to the aggrieved person in an amount not to exceed five hundred dollars (\$500), if the commission determines that neither of the remedies under (1) or (2) is available.

The commission may require a report of the manner of compliance.

If the commission finds that a respondent has not engaged in any practice which constitutes a violation of this part, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the said accusation as to such respondent. A copy of its order shall be delivered in all cases to the Attorney General and such other public officers as the commission deems proper.

Any order issued by the commission shall have printed on its face references to the provisions of the Administrative Procedure Act which prescribe the rights of appeal of any party to the proceeding to whose position the order is adverse.

(Added by Stats. 1963, Ch. 1853. See note at beginning of Part 5.)

CHAPTER 5. MISCELLANEOUS

(Added by Stats. 1959, Ch. 1681; repealed and added by Stats. 1963, Ch. 1853. See note at beginning of Part 5)

35740. Nothing contained in this part shall be deemed to repeal any of the provisions of any other law of this State relating to discrimination because of race, color, religion, national origin or ancestry.

(Added by Stats. 1959, Ch. 1681; repealed and added by Stats. 1963, Ch. 1853. See note at beginning of Part 5.)

35741. Nothing in this part shall be construed to affect the title or other interest of a person who purchases, leases, or takes an encumbrance on a housing accommodation in good faith and without knowledge that the owner or lessor of the property has violated any provision of this part.

(Added by Stats. 1959, Ch. 1681; repealed and added by Stats. 1963, Ch. 1853. See note at beginning of Part 5.)

35742. Nothing contained in this part shall be construed to prohibit selection based upon factors other than race, color, religion, national origin, or ancestry.

(Added by Stats. 1963, Ch. 1853. See note at beginning of Part 5.)

35743. As it is the intention of the Legislature to occupy the whole field of regulation encompassed by the provisions of this part, the regulation by law of discrimination in housing contained in this part shall be exclusive of all other laws banning discrimination in housing by any city, city and county, county, or other political subdivision of the State. Nothing contained in this part shall be construed to, in any manner or way, limit or restrict the application of Section 51 of the Civil Code.

(Added by Stats. 1963, Ch. 1853. See note at beginning of Part 5.)

35744. The provisions of this part shall be liberally construed for the purpose of effectuating the public policy contained herein.

(Added by Stats. 1963, Ch. 1853. See note at beginning of Part 5.)

PART 6. (Added by Stats. 1961, Ch. 1765; repealed by Ch. 592, Stats. 1963)

NOTE: Part 6, consisting of Sections 35800 through 36003, was added by Stats. 1961, Ch. 1765. Part 6 was repealed by Stats. 1963, Ch. 592. The usual history notes carried at the end of sections are omitted. The Statutory Record may be consulted to determine the history of any particular section prior to the enactment of Stats. 1963, Ch. 592.

PART 7. FARM LABOR CENTER LAW

(Added by Stats. 1963, Ch. 1515)

36050. This part may be cited as the Farm Labor Center Law.

(Added by Stats. 1963, Ch. 1515.)

36051. In enacting this part, the Legislature hereby finds and declares that there is a need for farm labor centers for the assembling, domiciling, and housing of persons and families engaged in agricultural work to help assure the agricultural communities of a supply of such workers as and when they are needed; that the operation of farm labor centers is a proper function for housing authorities established pursuant to the Housing Authorities Law (Chapter 1 (commencing with Section 34200), Part 2, Division 24); and that the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination and of state-wide application. It is further declared by the Legislature that its intent in enacting this part is to remedy the conditions described in this section by providing for the furnishing of the farm labor centers authorized herein to single persons and families whose principal source of income is agricultural work, without regard to whether such persons and families have low incomes.

(Added by Stats. 1963, Ch. 1515.)

36052. The definitions and general provisions contained in Sections 36053 to 36055, both inclusive, govern the construction of this part, unless the context otherwise requires.

(Added by Stats. 1963, Ch. 1515.)

36053. "Governing body" means the city council in the case of a city and the board of supervisors in the case of a county.

(Added by Stats. 1963, Ch. 1515.)

36054. The area of operation for any housing authority means the area of operation prescribed by Sections 34208 and 34209.

(Added by Stats. 1963, Ch. 1515.)

36055. Farm labor center means any farm labor center (or any part thereof) owned or acquired by a housing authority in the State. It also includes all real and personal property, assets, cash or other funds held or used in connection with the acquisition, operation, or disposition of a farm labor center.

(Added by Stats. 1963, Ch. 1515.)

36056. Any housing authority may adopt a resolution stating the need for and, with the concurrence of the local governing body, may acquire through purchase or gift any farm labor center within its area of operation and own, operate, construct, reconstruct, repair, replace, maintain, and dispose of such centers pursuant to this part.

(Added by Stats. 1963, Ch. 1515.)

36057. Every housing authority shall have all the powers necessary or convenient to carry out the purposes of this part, including the powers granted by this part and any other provision of law. It is the purpose and intent of this part to do any and all things necessary or desirable to secure the financial aid or co-operation of the federal government in the undertaking, construction, maintenance, operation, or financing of any farm labor center.

(Added by Stats. 1963, Ch. 1515.)

36058. Within its area of operation and with reference to farm labor centers, a housing authority may arrange and contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for or in connection with its farm labor center, and notwithstanding anything to the contrary contained in this part or in any other provision of law, may include in any contract let in connection with a farm labor center, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor.

(Added by Stats. 1963, Ch. 1515.)

36059. Within its area of operation, and with reference to farm labor centers, a housing authority may:

(a) Own, hold, and improve real or personal property.

(b) Purchase, lease, obtain options upon, acquire by gift, bequest, devise, or otherwise, any real or personal property or any interest therein.

(c) Accept grants from any person or agency, public or private.

(d) Borrow money and pledge any property, real or personal, as security.

(e) Contract with any person or agency, public or private, with regard to operation of the farm labor centers.

(f) Sell, lease, exchange, transfer, assign, purchase, or dispose of any real or personal property or interest therein.

(g) Insure or provide for the insurance of any real or personal property or operations of any farm labor centers against any risks or hazards.

(h) Employ such officers and employees, permanent and temporary, as may be required, determine their qualifications, duties and compensation, and delegate to one or more of them such powers or duties as may be necessary for the acquisition of any farm labor center.

(i) Acquire any real property by eminent domain after adopting a resolution declaring that the acquisition of the real property is necessary for the purposes of the housing authority.

(j) Lease or rent any dwellings, accommodations, lands, buildings, structures, or facilities embraced in any farm labor center, and, subject to the requirements for occupancy contained in this part, establish the rents and charges therefor.

(Added by Stats. 1963, Ch. 1515.)

36060. It is hereby declared to be the policy of the State that each housing authority shall manage and operate its farm labor centers in an efficient manner and that it shall establish the rentals for dwelling at rents sufficient to cover costs of operation and maintenance, including amounts necessary for payments in lieu of taxes and creation of necessary reserves, and the payment of currently maturing installments of principal and interest on any indebtedness incurred in connection with the acquisition, construction, or improvement of such farm labor center.

(Added by Stats. 1963, Ch. 1515.)

36061. Each housing authority shall establish reserves which it determines to be reasonable for the maintenance, improvement, and expansion of the farm labor center and its eventual disposition.

(Added by Stats. 1963, Ch. 1515.)

36062. Each housing authority shall admit to occupancy in a farm labor center only single persons and families whose principal source of income is derived from agricultural work and employees of the authority whose residence on the center is necessary to its efficient operation; and such persons, families, and employees, if they qualify for admission under these standards, may be admitted to such occupancy without regard to whether or not they have low incomes. "Agricultural work" means work performed on a farm or in the handling, packing, processing, freezing, canning, or shipping of agricultural produce of the immediate area.

(Added by Stats. 1963, Ch. 1515.)

36063. A farm labor center is declared to be public property used for essential public and governmental purposes and is for a public use and purpose and involves a governmental function of state concern. As a matter of legislative determination, it is hereby found and declared that the properties involved in farm labor centers are of such character and shall be exempt from taxation. A housing authority may make payments in lieu of taxes out of revenues of such farm labor center to the taxing bodies, except that in no event shall such payments in lieu of taxes to any taxing body exceed in any year the amount which would be received by the taxing body in taxes from the farm labor center if the farm labor center were privately owned and subject to taxation, provided that no such payments shall be made which will result in reducing reserves below the established maximum.

(Added by Stats. 1963, Ch. 1515.)

36064. A housing authority may borrow money from private sources, the state, county, or federal government, and issue its notes and encumber its assets as security by means of deeds of trust. The obligation of the authority is limited to the security on the deed of trust.

(Added by Stats. 1963, Ch. 1515.)

36065. The members of the housing authority, or any person executing a note authorized by this part, shall not be liable personally on any such note by reason of the issuance thereof hereunder.

(Added by Stats. 1963, Ch. 1515.)

36066. Any farm labor center may be disposed of in whole or in part by the housing authority after the commissioners of the housing authority determine by resolution with the concurrence of the local governing body that the need for the operation of the housing, or any part thereof, pursuant to the provisions of this part, no longer exists.

(Added by Stats. 1963, Ch. 1515.)

36067. Every acquisition of, transfer to, and contract for the acquisition of, a farm labor center or part thereof by a housing authority from the federal government and the operation and disposal of such farm labor center by the housing authority heretofore completed, executed, made, or done, which acquisition, operation, or disposal of a farm labor center conforms to the requirements of this part is hereby validated, confirmed, ratified and declared legally effective, and all acts and proceedings heretofore taken by or on behalf of any housing authority for such acquisition, contract for the acquisition, or the operation or disposal of a farm labor center are hereby confirmed, validated and declared legally effective. This part shall be construed to supply such legislative authorization as might have been necessary to authorize such acquisition, contract for acquisition, operation, or disposal of a farm labor center by a housing authority.

(Added by Stats. 1963, Ch. 1515.)

36068. Anything in this part to the contrary notwithstanding, any farm labor center heretofore or hereafter acquired by a housing authority as a low rent housing project in accordance with the provisions of Article XXXIV of the Constitution of the State of California and following an election held for that purpose in the manner provided in that article, shall be deemed to be a "housing project" as defined by Section 34212 of this code and shall be operated by the housing authority so acquiring the same under and pursuant to the Housing Authorities Law of the State of California, and shall not be deemed to be or operated as a farm labor center under this part.

(Added by Stats. 1963, Ch. 1515.)

DIVISION 30. REPEALS

40000. The following sections of the Penal Code are hereby repealed:

290	374a	384	601
291	375	385	649
293	375a	394	719
295	377	396a	720
297	377a	401a	1510.1
349	377b	402e	
368	377c	402h	
374	378	573	

40001. The following sections of the Political Code are hereby repealed:

872	3007	3046	3106
372a	3008	3047	3107
372b	3009	3048	3108
372c	3010	3049	3109
372d	3011	3060	3110
372e	3012	3061	3111
372f	3023	3062	3335
372g	3024	3063	3336
2978	3025	3064	3337
2979	3026	3074	3338
2979a	3027	3075	3339
2979b	3029	3076	3340
2979d	3030	3077	3341
2979e	3031	3078	3342
2980	3033	3080	3343
2981	3034	3081	4041.15
2982	3035	3082	4041d
2982a	3042	3083	4041k
2984	3043	3084	4225
3005	3044	3093	4225b
3006	3045	3105	

40002. The following acts and portions of acts, together with all acts amendatory thereof and supplementary thereto, are hereby repealed:

Year	Ch.	Pg.	Sec.	Year	Ch.	Pg.	Sec.
1852:	129:	205	All	1873-4:	370:	530	All
1853:	22:	35	All	1873-4:	397:	569	All
1853:	42:	59	All	1873-4:	460:	691	All
1854:	8:	20	All	1873-4:	552:	788	All
1854:	37:	42	All	1873-4:	639:	886	All
1858:	57:	41	All	1873-4:	676:	942	All
1858:	180:	133	All	1875-6:	72:	47	All
1859:	78:	59	All	1875-6:	232:	305	All
1859:	321:	358	All	1875-6:	234:	310	All
1861:	69:	55	All	1875-6:	271:	360	All
1861:	71:	57	All	1875-6:	303:	398	All
1861:	133:	123	All	1875-6:	401:	567	All
1861:	168:	167	All	1875-6:	433:	610	All
1861:	234:	238	All	1875-6:	496:	759	All
1861:	243:	248	All	1875-6:	583:	865	All
1861:	388:	408	All	1875-6:	601:	896	All
1861:	517:	585	All	1875-6:	647:	866	All
1862:	18:	11	All	1877-8:	83:	104	All
1862:	127:	114	All	1877-8:	178:	214	All
1862:	149:	140	All	1877-8:	304:	383	All
1862:	168:	166	All	1877-8:	374:	558	All
1862:	340:	465	All	1877-8:	325:	436	All
1862:	341:	466	All	1877-8:	446:	685	All
1862:	342:	466	All	1877-8:	513:	796	All
1863:	26:	26	All	1877-8:	594:	943	All
1863:	473:	742	All	1877-8:	648:	999	All
1863-4:	248:	256	All	1877-8:	673:	1050	All
1865-6:	98:	79	All	1880:	66:	61	All
1865-6:	156:	138	All	1881:	36:	26	All
1865-6:	180:	161	All	1881:	67:	76	All
1865-6:	250:	276	All	1883:	77:	366	All
1865-6:	303:	337	All	1883:	90:	376	All
1865-6:	424:	533	All	1885:	14:	12	All
1865-6:	450:	583	All	1885:	21:	25	All
1867-8:	26:	26	All	1887:	22:	18	All
1869-70:	228:	329	All	1887:	95:	110	All
1869-70:	490:	716	All	1891:	148:	209	All
1871-2:	286:	389	All	1891:	161:	223	All
1871-2:	388:	542	All	1893:	163:	189	All
1871-2:	398:	553	All	1893:	190:	234	All
1871-2:	428:	625	All	1895:	39:	45	All
1871-2:	485:	715	All	1895:	115:	107	All
1871-2:	529:	765	All	1899:	66:	81	All
1871-2:	578:	855	All	1903:	218:	255	All
1871-2:	530:	766	All	1903:	232:	283	All
1873-4:	177:	240	All	1903:	236:	289	All
1873-4:	327:	474	All	1903:	239:	317	All

Year	Ch.	Pg.	Sec.	Year	Ch.	Pg.	Sec.
1905:	119:	115	All	1923:	250:	498	All
1905:	223:	209	All	1925:	275:	459	All
1907:	458:	846	All	1925:	314:	532	All
1907:	492:	893	All	1925:	316:	536	All
1909:	164:	261	All	1927:	213:	380	All
1909:	204:	311	All	1927:	254:	465	All
1909:	242:	368	All	1927:	282:	502	All
1909:	347:	576	All	1927:	623:	1049	All
1909:	591:	899	All	1927:	642:	1088	All
1909:	646:	978	All	1927:	644:	1093	All
1909:	673:	1011	All	1927:	880:	1924	All
1911:	23:	40	All	1929:	140:	258	17, 18, 19, 20
1911:	213:	391	All	1929:	180:	331	All
1911:	300:	494	All	1929:	181:	333	All
1911:	375:	685	All	1929:	188:	341	All
1911:	455:	904	All	1929:	216:	380	All
1911:	692:	1350	All	1929:	221:	413	All
1913:	81:	86	All	1929:	416:	738	All
1913:	369:	783	All	1929:	432:	752	All
1913:	391:	843	All	1929:	457:	819	All
1913:	422:	868	All	1931:	56:	50	All
1915:	337:	502	All	1931:	168:	238	All
1915:	378:	575	All	1931:	214:	383	All
1915:	478:	800	All	1931:	580:	1263	All
1915:	584:	1011	All	1931:	734:	1523	All
1915:	766:	1530	All	1931:	425:	972	All
1917:	63:	70	All	1931:	892:	1906	All
1917:	228:	432	All	1931:	1148:	2434	All
1917:	560:	774	All	1933:	90:	534	All
1917:	571:	791	All	1933:	331:	909	All
1917:	744:	1517	All	1933:	601:	1531	All
1917:	745:	1518	All	1933:	607:	1549	1, 2, 3, 5, 6, 7
1917:	792:	1661	All	1933:	756:	1980	1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15
1919:	480:	942	All				
1919:	583:	1234	All				
1921:	304:	413	All				
1921:	412:	605	All				
1921:	652:	1103	All	1933:	802:	2128	All
1923:	65:	132	All	1933:	894:	2305	All
1923:	171:	393	All	1933:	1033:	2631	All
1923:	188:	429	1, 2, 3, 4, 6, 7.	1935:	20:	79	All
1923:	191:	431	All	1935:	377:	1329	All
1923:	312:	646	All	1937:	351:	762	All
1923:	386:	781	All	1937:	530:	1539	All

40003. Section 2979c of the Political Code is hereby repealed.

(Added by Stats. 1939, Ch. 102, as part of codification.)

40004. Section 5 of an act entitled "An act to create the office of State Fire Marshal, to provide for his powers and duties, and to repeal all acts or parts of acts inconsistent herewith," approved May 23, 1923, is hereby repealed.

(Added by Stats. 1939, Ch. 105, as part of codification.)

40005. Section 4 of an act entitled "An act to provide for the inspection, quarantine and registration of aviaries and other places where shell parakeets are sold, offered for sale, trade or barter; and to provide for the inspection of all birds which may be kept in such places; to declare the urgency thereof and provide that this act shall take effect immediately," approved May 26, 1933, is hereby repealed.

(Added by Stats. 1939, Ch. 104, as part of codification.)

40006. An act entitled "An act relating to a convalescent colony and empowering the Department of Finance to accept land or contributions for the convalescent colony upon recommendation of the convalescent colony board, creating a convalescent colony board, and providing for the disposition and expenditure of moneys in connection with said convalescent colony," approved May 29, 1931, is hereby repealed.

(Added by Stats. 1939, Ch. 106, as part of codification.)

40007. Section 10 of an act entitled "An act defining clinics and dispensaries, providing for the operation, conduct, maintenance, examination and regulation thereof, requiring permits therefor, providing for the issuance and revocation of such permits by the State Board of Public Health, fixing the amount of and providing for the collection and disposition of annual fees for such permits, creating the clinic and dispensary fund, prescribing the powers and duties of the State Board of Public Health and of the Director of Public Health in reference to such clinics and dispensaries, and prescribing penalties for the violation of the provisions of this act," approved June 5, 1933, is hereby repealed.

(Added by Stats. 1939, Ch. 103, as part of codification.)

40008. An act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1939, Ch. 730.)

40009. An act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof" approved March 6, 1907, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 199.)

40010. Section 347a of the Penal Code is repealed.

(Added by Stats. 1947, Ch. 199.)

40011. An act entitled "An act relating to the care and control of venereal diseases, granting other and further powers in relation thereto to the State Board of Public Health and its subordinate agencies, authorizing the acceptance of federal social security funds and making an appropriation therefor," approved July 1, 1937, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 765.)

40012. An act entitled "An act providing for the protection of unborn children and the public health by requiring examinations of pregnant or recently delivered women for syphilis, providing penalties for the violation of the provisions thereof, and providing an appropriation for the administration of the act," approved May 9, 1939, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 705.)

40013. An act entitled "An act relating to cold storage, the regulation of refrigerating warehouses, the disposition or sale of food kept or preserved therein, and defining the duties of the State Board of Health in relation thereto," approved June 13, 1913, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 763.)

40014. An act entitled "An act regulating the sanitary conditions of bakeries, prescribing conditions connected with the manufacture and sale of bakery products and fixing penalties for violation of the provisions thereof," approved June 2, 1921, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 766.)

40015. An act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the use of sealed containers and providing for the sterilization of bottles, receptacles and containers used for foods, drugs and liquors; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; providing for the licensing of premises upon which walnuts are shelled or otherwise prepared and for the inspection of such premises and prohibiting the purchase, acquisition or receiving of walnuts shelled or prepared other than on licensed premises; providing for license fees; providing for producer exemption and empowering the California State Board of Public Health to make rules and

regulations, and providing for the keeping of records; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 762.)

40016. An act entitled "An act to regulate the conduct of canneries, to create a division of cannery inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Health," approved May 23, 1925, and all acts and parts of acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 764.)

40017. An act entitled "An act to regulate, and to prohibit fraud and deception in, the sale of olive oil, imitation olive oil, and other edible oils, to repeal and act entitled 'An act to regulate the sale of imitation olive oil, and to repeal an act entitled "An act to regulate the sale of olive oil," approved March 10, 1891,' approved March 23, 1893, declaring the urgency of this act, to take effect immediately," approved May 26, 1943, and all acts and parts of acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 710.)

40018. An act entitled "An act to prevent the sale and use of sulphur containing material quantities of arsenic for the purpose of sulphuring fruits or other foods; to provide a standard for sulphur for sulphuring fruits or other foods, and to provide penalties for the violation of the provisions hereof," approved May 2, 1919, and all acts and parts of acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 709.)

40019. An act entitled "An act to provide state assistance of local agencies for the control of mosquitoes, and making an appropriation therefor, to take effect immediately," approved March 4, 1946, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 704.)

40020. An act entitled "An act to prevent the supply of water dangerous to health for domestic purposes and to provide for the installation of sanitary water systems," approved June 13, 1913, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 992.)

40021. The following acts are hereby repealed:

1933:538:1426

1933:560:1465

1938 (1st Ex. Sess.) :2:2

1938 (1st Ex. Sess.) :4:9

1945:1326:2478

(Added by Stats. 1951, Ch. 710.)

INDEXES TO 1963 HEALTH AND SAFETY CODE

Sections added to the code by the 1963 Regular Session are indexed in the supplemental index which precedes the main index.

All sections as in effect July 13, 1962, the effective date of the statutes enacted at the 1962 First Extraordinary Session of the Legislature, are indexed in the main index.

No sections of the code were affected by the 1962 Second Extraordinary Session, the 1962 Third Extraordinary Session or the 1963 First Extraordinary Session.

This method of indexing the code by publishing the 1962 main index and a supplemental index showing 1963 additions is used in order to facilitate early publication of the 1963 edition.

SUPPLEMENTAL INDEX

SECTIONS ADDED BY 1963 REGULAR SESSION

NOTE: See main index following this index for all sections as in effect July 13, 1962, the effective date of statutes enacted at the 1962 First Extraordinary Session of the Legislature. No sections were added or affected at the 1962 Second Extraordinary Session, the Third Extraordinary Session, or the 1963 First Extraordinary Session.

A

ADVERTISING: prescription drugs	26276
AGRICULTURE: farm labor center law	36050 to 36068
AIR POLLUTION CONTROL: motor vehicle pollution control provisions: exemption of vehicles for historical exhibitions, etc.	24381
AIR POLLUTION CONTROL DISTRICTS	
Bay Area air pollution control district: district board: terms of supervisors, mayors and city councilmen as members	24352.8
compensation of civil service employees	24227.5
ALCOHOLIC BEVERAGES: possession in public tuberculosis hospital or sanatorium	3356
ALCOHOLIC REHABILITATION: programs for inmates of county insti- tutions	427.5

B

BAKERIES: California bakery sanitation law	28190 to 28215
BIOLOGICS: production, licensing, sale, etc.	1600 to 1620
BIRTH CERTIFICATES: copies	10575.1, 10575.2
BLOOD: processing, sale, etc.	1600 to 1620
BONDS, INDEMNITY: operators of nursing and convalescent homes	1423
BOUNDARIES	
mosquito abatement districts	2400 to 2406, 2930
pest abatement districts	2400 to 2406, 2930
BUILDINGS: contamination by radioactive materials	25861

C

CEMETERY DISTRICTS, PUBLIC: contracts with counties re burial of nonresident indigents	8961.4
CIVIL SERVICE	
air pollution control districts	24227.5
fire protection districts, law of 1961	13856.5, 13883
fire protection districts, local	14451.3
COMMUNITY REDEVELOPMENT	
agencies, certain: validation of existence	33205
generally (revision of community redevelopment law)	33000 to 33714
CONSTRUCTION MATERIALS: lists of materials conforming with fire and panic safety standards	13144.2, 13144.3
CONTRACTS: burial of nonresident indigents: contracts between public cemetery districts and counties	8961.4
COUNTIES: contracts with public cemetery districts re burial of nonresident indigents	8961.4

D

DRUGS AND DEVICES	
applications to sell, etc., withdrawal of approval of	26290.5
definitions—	
“antibiotic drug”	26243.5
“established name”	26219

NOTE: See also following MAIN INDEX.

DRUGS AND DEVICES—Continued

definitions—continued	
“manufacture, preparation, propagation, compounding, or processing”	26220
“new device”	26211.1
“substantial evidence”	26218
misbranded, drugs deemed to be	26243.5, 26250.5
new drugs and devices, approvals or hearings re applications to sell, etc.	26289
prescription drugs—	
advertisements, contents of	26276
printed matter, certain, transmittal of, to practitioners	26304
records and reports by applicants to sell, etc.	26289.5

E

EXHIBITS: human body, county exhibits depicting, for public health education	461
--	-----

F

FEES	
blood, human whole, and other biologics, licenses to produce	1616
fire extinguishers, portable, licenses to service, repair, etc.	13164.5
FIRE EXTINGUISHERS, PORTABLE	13161.5, 13163.5, 13164.5, 13165.5, 13168.5
FIRE MARSHAL, STATE	
construction materials, etc., conforming with fire and panic safety standards, preparation of lists of	13144.1 to 13144.4
fire extinguishers, portable, powers and duties re	13161.5, 13163.5, 13165.5, 13168.5
FIRE PROTECTION: construction materials, etc.: lists of materials conforming with fire and panic safety standards	13144.2, 13144.3
FIRE PROTECTION DISTRICTS, LAW OF 1961	
boards, district: election of members	13836.5, 13847
civil service employees, remuneration of	13883
civil service systems	13856.5
petty cash funds	13916.5
FIRE DISTRICTS, LOCAL	
boards, district: election of members	14057.3, 14068, 14070 to 14076
civil service employees, remuneration of	14451.3
divisions, establishment of	14070 to 14076
petty cash funds	14164.5
FOODS	
bakery products: California bakery sanitation law	28190 to 28215
meat and meat products: labels	26542.2

H

HOSPITALS	
podiatrists, use of facilities by	1411.5
tuberculosis hospitals or sanitoriums, public, possession of intoxicating liquor in	3356
HOTPLATES	17921.1
HOUSING	
authorities—	
farm labor centers	36050 to 36068
security for funds deposited in banks, etc.	34316.1
community redevelopment law: revision, generally	33000 to 33714
farm labor center law	36050 to 36068

I

INDIGENTS	
burial of nonresident indigents, contracts for, between public cemetery districts and counties	8961.4
medical care in facilities in other states	1451.5
INFORMATION, DISSEMINATION OF: radioactive materials in the environment: results of monitoring	25610
INTOXICATING LIQUORS: possession in public tuberculosis hospital or sanatorium	3356

L

LABELS: meat and meat products	26542.2
LICENSES, PERMITS, ETC.	
bakeries and bakery products distributors.....	28215
biologics, production of.....	1612 to 1614
drugs or devices, new, approvals or hearings re applications to sell, etc.....	26289
drugs or devices, withdrawal of approval of applications to sell, etc.....	26290.5
fire extinguishers, portable, servicing, etc., of.....	13163.5, 13164.5, 13165.5
LIENS	
sewer service delinquent charges.....	5473.11
weeds, hazardous, costs of abatement of.....	14922

M

MEAT AND MEAT PRODUCTS: labels	26542.2
MENTALLY RETARDED MINORS: crippled children services	272
MOBILEHOMES AND MOBILEHOME PARKS	
construction, etc., alternate methods for.....	18014
definitions—	
“incidental camping area”.....	18004.3
“mobilehome accessory building or structure”.....	18007.5
operation and maintenance of park, availability of person responsible for.....	18257
proximity of mobilehome to other mobilehomes or building.....	18276.5
MOSQUITO ABATEMENT DISTRICTS: boundaries, common, with other districts or pest abatement districts: changes	2400 to 2406, 2930
MOTOR VEHICLES: air pollution control provisions: exemption of vehicles for historical exhibitions, etc.	24381

N

NARCOTICS	
pharmacists' records.....	11280 to 11283
prisoners believed to be addicts, medical aid for.....	11396
NURSING AND CONVALESCENT HOMES: indemnity bonds, re handling of patients' money	
	1423
NURSING EDUCATION SCHOLARSHIPS	380 to 389

P

PEST ABATEMENT DISTRICTS: boundaries, common, with other districts or mosquito abatement districts: changes	2400 to 2406, 2930
PODIATRISTS: use of hospital facilities	1411.5
PRISONERS: medical aid for narcotic addicts	11396
PUBLIC HEALTH, STATE BOARD OF	
bakery sanitation, regulation of.....	28214
drugs and devices, new, approvals or hearings re applications to sell, etc.....	26289
drugs and devices, withdrawal of approval of applications to sell, etc.....	26290.5
PUBLIC HEALTH, STATE DIRECTOR OF: nursing and convalescent homes: powers and duties re indemnity bonds	1423
PUBLIC HEALTH, STATE DEPARTMENT OF	
bakery products, enforcement of provisions re adulteration, standards and labeling of.....	28211
radioactive materials in the environment, duties re monitoring of.....	25609, 25610
radioactive materials, premises, etc., contaminated by, powers and duties re	25861

R

RADIOACTIVE MATERIALS	
monitoring of materials in the environment.....	25609, 25610
occupancy or use of contaminated building, etc.....	25861
RECORDS	
drugs and devices, applicants to sell, etc.....	26289.5
narcotics, pharmacists' records re.....	11280 to 11283
REPORTS: drugs and devices, applicants to sell, etc.	26289.5

NOTE: See also following MAIN INDEX.

S

SALARIES, WAGES, ETC.

air pollution control districts, civil service employees of	24227.5
fire districts, local, civil service employees of	14451.3
fire protection districts (law of 1961), civil service employees of	13883
sanitation districts, county, chairmen of joint meetings of	4734

SANITARY DISTRICTS (ACT OF 1923)

bond elections for construction of sewage facilities	6644.1
codes, adoption of, by reference	6491.2

SANITATION DISTRICTS, COUNTY

board of directors: standards for sewer lines connecting with system	4762.1
chairmen of joint meetings, compensation of	4734
San Diego County, new bond elections of districts in	4794.1
sewer lines through cities outside of district, construction, etc., of	4759.1
sewer systems, standards for lines connecting with	4762.1

SEWER DISTRICTS, MUNICIPAL (LAW OF 1911)

4600 to 4602.4, 4610.5, 4611.5, 4613, 4623.5, 4639.5, 4640, 4641.5

SEWERS AND SEWAGE

sanitation districts, county—

construction of lines through cities	4759.1
standards for lines connecting with systems	4762.1
service charges, penalties for nonpayment of	5473.10, 5473.11

SHORT TITLES

California Bakery Sanitation Law	28216
Farm Labor Center Law	36050
Municipal Sewer District Law of 1911	4600

V

VITAL STATISTICS: birth certificates: copies	10575.1, 10575.2
--	------------------

W

WEEDS, HAZARDOUS: liens for costs of abatement	14922
--	-------

MAIN INDEX

(Through 1962)

NOTE: See preceding supplemental index for sections added by 1963 Regular Session.

A

ABANDONMENT.

	Section
burial parks, certain private or fraternal	8250
cemetery, county	8000 to 8005
cemetery districts, public—	
cemeteries	9201 to 9225
plots	9300 to 9309
cemetery, private nonendowment care	8825 to 8829
cesspools	24400, 24403
excavations	24400 to 24403
septic tanks	24400
sewers and drainage, rights of way for	5400

ACCIDENTS: use of county ambulances 1444

ACCOUNTS, ACCOUNTING, ETC. See also RECORDS.

cold storage warehouse fees	28127
community land chest corporations	35196
explosives, sales, etc., of	12110 to 12112, 12116, 12117
fire protection districts, county	14455.3
hospital districts, local: borrowing on accounts receivable	32130.7
housing authorities funds, audit of	34327.6
local fire districts	14105
police protection districts (unincorporated towns)	20078 to 20080
sewage disposal districts, joint municipal	5740.19, 5790.26
sewer revenue bonds, districts issuing	5032
vital statistics registrars	10600
weeds, cost of abatement of	14905

ACTIONS AND PROCEEDINGS. See also APPEALS; COSTS, COURT; INJUNCTIONS; LIENS; NUISANCES; VALIDATIONS.

air pollution control—	
hearings re standards for motor vehicle emissions	426.5
hearings re standards for quality of air	426.1
air pollution control districts—	
bay area air pollution control district. See subheading, <i>bay area air pollution control district</i> , below.	
capacity to sue and be sued	24212
contempt, persons in	24317 to 24319
court proceedings to determine legality of hearing board action	24322, 24323
hearing board procedures, etc.	24310 to 24323
injunctions against violations	24252, 24254
permits, revocation or suspension of	24271, 24274 to 24276
rules and regulations, hearings re	24261
variances, hearings re	24292, 24295 to 24302
auto court and resort violations	18551 to 18553
autopsies, exemption from civil liability re	7116
bakery violations	28252, 28253
bay area air pollution control district—	
capacity to sue and be sued	24354
hearing board procedure, etc.	24367 to 24368.7
injunctions against violations	24360.7, 24368.6, 24368.7
judicial review of board decisions	24368.4, 24368.5
variances, hearings re	24365.1 to 24365.11
biologics—	
licenses, suspension or revocation of	1615
violations, prosecution of	1621
birth, delayed registration of: recovery of civil penalty for filing, etc., false certificate or affidavit	10690
blasting caps: civil liability for damages	12221
building standards commission: appeals from decisions, etc.	18905.1
cancer violations	1704, 1712, 1713, 1720
canneries: hearing for suspension or revocation of license	28416, 28418

NOTE: See also preceding SUPPLEMENTAL INDEX.

ACTIONS AND PROCEEDINGS—Continued.

Section

capacity to sue and be sued—		
air pollution control districts, generally	24212	
bay area air pollution control district	24354	
community redevelopment agencies	33017,	33262
fire protection districts (law of 1961)		13852
health districts, local		936
hospital districts, local		32121
housing authorities		34311
joint municipal sewage disposal districts		5740
pest abatement districts		2853
police protection districts (unincorporated towns)		20077
public health, department of	205,	206
sanitary districts (act of 1923)	6492,	6511
sanitation districts, county		4738
sewage disposal districts, regional		5990
cemeteries, private—		
care and replating, etc., of old cemeteries, proceedings for	8700 to	8715
dedication, removal of	7906, 8580,	8581
cemetery districts, public: abandonment of plots	9301 to	9307
clinic and dispensaries	1216, 1235,	1237
clothes cleaning establishment violations, prosecution of		13454
community land chest law, actions for enforcement, etc., of, by corporations		
commissioner	35199 to	35203
community redevelopment agency bondholders, rights of	33932,	33933
community redevelopment or renewal plans and bonds, determination of		
validity of	33955 to	33957
convalescent homes: actions to enjoin violations		1418.5
dead bodies—		
application to superior court for permission to disinter and remove where		
absence of required consent	7526,	7527
autopsies, coroners and physicians exemption from liability re		7116
drugs or devices—		
adulteration or misbranding, hearings of state board of public health		
re	26340 to	26342
cancer treatment, etc., injunction against use, etc., in	1712,	1713
seized or quarantined: condemnation proceedings	26365 to	26369
seized or quarantined: release proceedings		26366.5
effect of enactment of code		4
explosives, actions re—		
blasting caps: civil liability for damages		12221
chief responsible for fire prevention, etc., suit by		12005
sale, etc., violations	12117,	12118
transportation violations		12305
fire extinguisher sales, etc., licenses		13167
fire protection districts (law of 1961)—		
budgets, hearings re	13904,	13905
formation petitions, hearings re		13825
orders to correct, etc., hazards, hearings re		13874
reorganization, hearings re	13978,	13979
special fire protection zones, hearings re	13993 to 13995,	13997
flame-retardant chemicals and materials: violations		13123
foods—		
adulteration or misbranding, local hearings re	26619 to	26621
processing establishments—		
abatement or injunction of nuisance		28298
violations, prosecution of		28297
walnuts: hearing for suspension or revocation of license		28335
regulations, hearings re promulgation of	26543,	26544
seized or quarantined: condemnation	26585 to	26589
seized or quarantined: release proceedings		26586.5
frozen food locker plants, actions against owners, etc., of		28723
handicapped persons, establishments for—		
injunctions against violations		1517
licenses, suspension or revocation of		1511
violations, prosecution of		1517
hazardous substances, misbranded—		
prosecution for violations, exemptions from	28765,	28766
seizure or quarantine	28784 to	28787
hospitals—		
construction project hearings		432.7
injunctions against maintenance without license		1418
violations, prosecution of	1413,	1420

ACTIONS AND PROCEEDINGS—Continued.

	Section
housing act enforcement.....	15290 to 15300
housing law, state—	
enforcement	17980 to 17989
hearings re application of rules, etc.....	17925, 17937
housing, publicly assisted, damages re discrimination in	35730
industrial waste	5412 to 5415, 5460 to 5462
inflammable or explosive clothing, materials, etc., seized by state fire marshal,	
actions for recovery	19814, 19815
interment expenses, recovery of, from person omitting to perform duty of	
interment	7103
interment, petition for order directing performance of, by person having	
duty or by coroner.....	7105 to 7107, 7109
joint municipal sewage disposal district bonds, actions to determine validity	
of	5830 to 5830.08
limitations—	
community redevelopment plans, actions re validity, etc., of.....	33746
dead bodies, cremated, actions against cemetery authorities re.....	7112
fire protection districts (law of 1961) : validity of organization, etc.....	13811
local fire districts: validity contests.....	14013
mosquito abatement districts: abatement expense lien foreclosures.....	2286
rodent eradication lien foreclosures.....	1810
sewer revenue bonds: bonds of contractors with districts issuing.....	5021
urban renewal plans, review of agency findings, etc., re adoption of.....	33746
mobilehomes and mobilehome parks violations.....	18102 to 18104
mosquito abatement districts—	
abatement expense lien foreclosures.....	2286 to 2288
nuisance abatement expense: repayment hearings.....	2283
motels, abatement of nuisances in.....	18552
narcotics—	
dismissal of allegations of fact.....	11718
investigation funds, recovery of	11680.5
seizure of narcotics and opium pipes illegally possessed.....	11650 to 11653
violation fines or forfeitures, suit by state controller to enforce collection	
and remittal of	11686
nursing homes: actions to enjoin violations.....	1418.5
quarantine violations, confinement, etc., for.....	3351, 3352
radiation control law—	
hearing re licensing, etc.....	25845, 25846
injunctions	25850
radioactive wastes—	
disposal violations, actions to enjoin	25605
appeal from orders re disposition of	25604
rodent eradication lien foreclosure.....	1810 to 1812
sanitary districts (act of 1923)—	
bonded indebtedness of territory withdrawn on annexation to city,	
relief of	6915, 6916
bonds, actions to determine validity of.....	6653
sanitation and sewerage facilities, hearings re fees for connecting to	
.....	5474 to 5474.3
sanitation districts, county—	
bonds, actions to determine validity of.....	4787, 4803, 4809.2
governing body, hearings re constitution of	4730.2
sewage disposal	5412 to 5415, 5460 to 5463
sewage disposal districts, regional: proceedings attacking validity of crea-	
tion	5947
sewer districts, municipal (act of 1911) : bonds, actions to determine validity	
of	4624
sewer revenue bonds—	
actions to determine validity of.....	4996
collection of rates and penalties for use of district works.....	5053 to 5056
payments under protest, actions to recover.....	5056
writ of mandate for increase of rates for use of district works, petition	
for	5042
sewerage and water districts, county: bonds, actions to determine validity of	
spotting, sponging and pressing establishment violations, prosecution of.....	13729
swimming pool sanitation provisions, actions to enjoin violations of.....	24107
tuberculosis hospitals maintained by group of counties: money due under	
agreements re	3305

NOTE: See also preceding SUPPLEMENTAL INDEX.

ACTIONS AND PROCEEDINGS—Continued.		Section
urban renewal plans and bonds, determination of validity of	33955 to	33957
vandalism, civil action for damages caused by		8102
vehicles transporting narcotics, forfeiture of	11610 to	11629
venereal disease violations	3196,	3197
vital statistics—		
delayed registration of birth: recovery of civil penalty for filing, etc., false certificate or affidavit		10690
proceedings to establish	10550 to	10558
violations		10028
water pollution or contamination	5412 to 5415, 5460 to	5463
water systems for domestic use: permit hearings		4015

ADDICTS, NARCOTIC. See NARCOTICS.

ADMINISTRATIVE PROCEDURE. See ACTIONS AND PROCEEDINGS.

ADMINISTRATIVE PROCEDURE, DIVISION OF: publication of state building standards code	18908
---	-------

ADOPTION: amendment of birth record	10430 to 10439
--	----------------

ADULT AUTHORITY: narcotic treatment: powers and duties re control units	11751, 11754
--	--------------

ADULTERATION. See COSMETICS; DRUGS; FOODS.

ADVERTISING. See also DRUGS; FOODS; NOTICES, PUBLICATION OF; PUBLICATIONS; SIGNS.

alcoholic beverages	26501.1
bids, calls for. See NOTICES.	
biologics	1603
cold storage food, prohibition against advertising as fresh	28150
cosmetics, false advertising of	26041, 26050
drugs or devices—	
cancer, cure, etc., of	1714, 26286.5
generally	26209, 26210, 26270 to 26280, 26286 to 26288
importation, etc., of falsely advertised drugs	26281
eggs, cold storage: advertising as fresh	28150
meat: misrepresentation as to kind, grade, quality, etc.	26516.4 to 26516.8
motor vehicle pollution control devices, noncertified	24395

AFFIDAVITS. See also VERIFICATION.

beverages, carbonated: exemptions from misbranding provisions	26495
birth, delayed registration of	10520, 10522, 10523, 10690
cemetery districts, public, abandonment of plots by	9303
cemetery plots, affidavit for use of unoccupied portions of	8605
explosives sales	12102, 12103
fire districts, local: organization or reorganization	14017, 14018
fire protection districts (in one or more counties): affidavit verifying petition for inclusion	14724
legitimated children	10440 to 10442, 10446
narcotic nuisance abatement proceedings: affidavit to establish existence of nuisance	11783
paternity, acknowledgment or adjudication of	10450
sewer revenue bonds: publication of notice of sewer work	4973
surname of child, change of, on birth certificate	10460
vital statistics, corrections of	10400
vital statistics: delayed registration of birth	10520, 10522, 10523, 10690

AGRICULTURE.

air pollution control provisions, inapplicability of, to agricultural operations	24251, 24251.1, 24360.2, 24375.57, 24375.59
pesticide chemicals, certain, exemption of, from food additive provisions	26465, 26468
workers, seasonal and migratory, program for health of	429, 429.1

AGRICULTURE, STATE DEPARTMENT OF.

approval: packing materials, cleansing and disinfecting of	3751
--	------

AGRICULTURE, STATE DIRECTOR OF

atomic energy development and radiation protection, departmental co-ordinating committee on, member of	25750
motor vehicle pollution control board, member of	24383

AID, STATE. See STATE AID.	Section
AIR DUCTS: housing act provisions.....	16800
AIR POLLUTION CONTROL. See also AIR POLLUTION CONTROL DISTRICTS.	
local.....	24247 to 24249, 24360.3 to 24360.5
24365.11, 24375.56, 24375.57, 24375.60 to 24375.62, 24375.90,	24393
state—	
motor vehicle pollution control.....	24378 to 24398
standards for quality of air.....	426.1
standards of emissions of motor vehicles.....	426.5
AIR POLLUTION CONTROL DISTRICTS.	24198 to 24341
actions and proceedings. See ACTIONS AND PROCEEDINGS.	
air contaminants—	
definition.....	24208
exemptions.....	24245, 24245.1, 24251, 24251.1
motor vehicles, enforcement of provisions re emission, etc., by	24224, 24231, 24246
motor vehicles, standards for control devices, etc., on.....	24263.7
prohibited discharges.....	24242, 24243
air pollution control board—	
appointment of air pollution control officer.....	24222
contracts with counties and cities.....	24266
county board of supervisors as.....	24220
establishment of standards for air contaminant control devices, etc., on	
motor vehicles.....	24263.7
hearing board—	
procedure, powers and duties, generally.....	24310 to 24323
variances, powers and duties re.....	24292, 24295 to 24302
hearing on rules and regulations.....	24261
members: terms, compensation, etc.....	24225 to 24227
permits.....	24245.1, 24263 to 24265, 24267 to 24282
rules and regulations.....	24260 to 24263
variances: fees.....	24293, 24294
air pollution control officer—	
appointment, compensation, retirement, etc.....	24222, 24227 to 24230
duties, generally.....	24224
entry and inspection of buildings, etc.....	24246
peace officer.....	24231
permits, powers and duties re.....	24269, 24270, 24272 to 24274
applicability of provisions.....	24241 to 24254
bay area air pollution control district. See BAY AREA AIR POLLUTION CONTROL DISTRICT.	
boundaries.....	24201
claims against districts.....	24232
creation.....	24200
criminal liability of governmental agencies, officers or employees for cer-	
tain acts.....	24254
district superseded by special district: cessation of function, etc.....	24213, 24214
exemptions.....	24245, 24245.1, 24251, 24251.1
functioning—	
cessation upon inclusion in special district.....	24213, 24214
hearing to determine need.....	24203, 24204
resolution declaring need.....	24202, 24205, 24206
funds.....	24209, 24210, 24214
governmental agencies, officers or employees: criminal liability for certain	
acts.....	24254
legislative declaration.....	24198, 24199
officers and employees, generally.....	24220 to 24231
permits for open burning.....	24245.1
powers, generally.....	24211 to 24214
public health department, state: air sanitation program.....	425 to 426.5
unified air pollution control districts.....	24330 to 24341
variances.....	24291 to 24302
violations.....	24253, 24254, 24277 to 24282
AIR SANITATION PROGRAM: maintenance by state department of public health.....	425 to 426.5
AIRCRAFT.	
restaurant act, California, exemption of commissaries from.....	28695

NOTE: See also preceding **SUPPLEMENTAL INDEX.**

ALCOHOLIC BEVERAGES. See also DRUGS; FOODS.	Section
advertising: conflicting provisions of pure food and drug act and alcoholic beverage control act	26501.1
premises: use of flame-retardant materials	13119, 16713
sale in refilled packages and sale of substitutions, restrictions re	26517
wine—	
exemption from certain labeling provisions	26495
standards of purity	26540.2
ALCOHOLIC REHABILITATION	427 to 427.4
ALIENS: notice to deportation authorities upon arrest for certain narcotics violations	11715.5
AMBULANCES.	
purchase and maintenance by—	
county boards of supervisors	1444
fire protection districts, county	14455.8
fire protection districts (law of 1961)	13853
local fire districts	14093
police protection districts (unincorporated towns)	20025, 20072
ANIMALS. See also DOGS; RABIES; RODENT ERADICATION.	
apartment houses or hotels, keeping in or near	17816
auto courts and resorts, prohibition against animals running at large in	18878
bakeries, prohibited in	28221
diseases, communicable, examination of causes of, by state department of public health	200
dwelling, keeping in or near	17817
food processing establishments, etc., prohibition against keeping in	28282.5
health menaces, destruction of	3052, 3114
medical research, use of animals for	1650 to 1677
mobilehome parks, prohibition against animals running at large in	18252
refuse, cremation of	4303
restaurant act prohibitions	28581, 28626
water supplies, keeping in manner to prevent pollution of	4453, 4454, 4455.5
ANTITOXIN, SERUMS, VACCINE, ETC. See BIOLOGICS.	
APARTMENT HOUSES, HOTELS, ETC. See also HOUSING ACT, STATE; HOUSING LAW, STATE.	
animals, keeping of	17816
auto courts and resorts, exemption of apartment houses and hotels from provisions re	18880
bedding and sanitation	19400 to 19500
beds, dormitory	17155
exit, stairway, and fire escape signs	19700, 19702
garages. See GARAGES.	
garbage and refuse	17809 to 17812
hot plates, use of	17708
illumination	17819, 17820, 19600
kitchen cabinets, installation of, in sleeping rooms	17702
mobilehomes and mobilehome parks, exemption of certain apartment houses and hotels from provisions re	18012, 18013
mosquito screening	17808
owners, posting of notices stating names and addresses of	17818
person in charge: residence upon premises	17818
records to be filed with housing department	15315 to 15318
rodent inspection	1804 to 1806
stairways	16400 to 16443, 16720, 16720.5, 17303
APPLICATIONS. See LICENSES, PERMITS, ETC.	
APPROPRIATIONS.	
air pollution control districts	24209, 24210
elderly persons low rent housing bond act of 1961	35995, 35996
state fire marshal	13111
APPROPRIATIONS, CONTINUOUS. See also EXPENDITURES; FUNDS.	
hospital survey and construction	433
public health federal fund	118
special deposit fund	121

	Section
ARTERY BANKS: disposition of body to-----	7100, 7115
ASSESSMENTS. See TAXATION; see also FEES.	
ASSESSORS, COUNTY. See also TAXATION.	
pest abatement districts, duties re-----	2871
sanitary districts (act of 1891)-----	6940 to 6941.9
sanitary districts (act of 1919), duties re-----	6940 to 6941.9
sanitary districts (act of 1923), duties re-----	6494
ASYLUMS: fire prevention rules and regulations-----	13143, 13143.5
ATOMIC ENERGY DEVELOPMENT AND RADIATION PROTECTION. See also RADIATION; RADIOACTIVE WASTES.	
advisory council: creation, duties, etc.-----	25734.5, 25760 to 25764
co-ordinator-----	
creation of position in office of governor, powers, duties, etc.-----	25606, 25730 to 25739, 25751, 25760, 25805
radioactive substances, powers re labeling regulations re-----	28777
departmental co-ordinating committee: creation, duties, etc.-----	25750 to 25752
generally-----	25700, 25710 to 25870
office of: creation in office of governor-----	25730
radiation sources: registration with department of public health-----	25780
United States atomic energy commission, licenses and permits required by-----	25770, 25771
ATTACHMENT.	
cemetery funds, exemption of-----	7925
cemetery property, exemption of-----	8561
dead bodies, attachment of, a misdemeanor-----	7053
ATTORNEY GENERAL.	
approvals-----	
housing for the elderly, loan contracts for-----	35940
schools, certain, to receive gifts of marijuana for research, etc.-----	11655
special counsel employed by chief of division of narcotic enforcement-----	11680
atomic energy development and radiation protection, departmental-----	
co-ordinating committee on: membership-----	25750
cancer provisions, cooperation in enforcement of-----	1717
elderly persons low rent housing bond records, inspection of-----	36003
elderly persons low rent housing finance committee, adviser to-----	36000
narcotic enforcement, chief of division of, appointment and fixing of salary of-----	11101
narcotic enforcement, division of, employment of employees of-----	11103
radiation control law violations, injunction proceedings re-----	25850
vital statistics: delayed registration of birth: recovery of civil penalty for-----	
filing, etc., of false certificate or affidavit-----	10690
vital statistics, enforcement of provision re, at request of state registrar-----	10029
ATTORNEYS. See also ATTORNEY GENERAL; ATTORNEYS, CITY; DISTRICT ATTORNEYS.	
employment by-----	
community redevelopment agencies-----	33265
housing authorities-----	34281
local fire districts-----	14092
local hospital districts-----	32121
narcotic enforcement, chief of division of-----	11680
sanitary districts (act of 1923)-----	6493
sewer revenue bonds, districts issuing-----	5005
ATTORNEYS, CITY. See also DISTRICT ATTORNEYS.	
biologic violations prosecutions-----	1621
rodent eradication liens, actions to foreclose-----	1810
AUDIOMETRISTS, SCHOOL-----	1685, 1686
AUDITORIUMS: flame-retardant requirement for drapes, curtains, etc.-----	13119
AUDITORS, COUNTY.	
fire protection districts, county: duties re taxes paid by cities-----	14481.1
fire protection districts (law of 1961): duties-----	13916, 13936
police protection districts (unincorporated towns), duties re-----	20080, 20112
sanitary district (act of 1891)-----	6940 to 6941.9

NOTE: See also preceding SUPPLEMENTAL INDEX.

AUDITORS, COUNTY—Continued.

	Section
sanitary district (act of 1919)	6940 to 6941.9
sanitary districts (act of 1923), duties re	6782, 6786
sanitation districts, county, duties re	4732, 4790
sewerage and water districts, county, duties re	5535
weeds: expenses of abatement, duties re report on	14915

AUTO COURTS AND RESORTS. See also MOBILEHOMES AND MOBILEHOME PARKS; MOTELS.

air ducts	18700
animals running at large, prohibition against	18878
construction, generally	18504, 18504.1, 18650 to 18668
construction permits	18600 to 18603, 18605 to 18611
counties, certain, application of provisions to	18512
definitions and scope	18500 to 18512
drinking fountains	18792
enforcement of provisions	18512 to 18553
fan exhaust ventilation systems	18678 to 18680
garages	18507, 18725 to 18729
garbage and rubbish disposal	18800
gas appliances	18793 to 18795
illumination	18876, 18877
liquefied petroleum gases: location of tanks, etc.	18825, 18826
masonry construction	18750
permits and fees	18600 to 18611
plumbing, sanitation, etc.	18775 to 18800
registers	18875
stairways, exits, etc.	18710
toilets	18667, 18677, 18678, 18775 to 18779, 18782
unincorporated areas, application of provisions to	18512
violations	18551, 18552, 18607, 18895
water closets, bathing and plumbing facilities	18677, 18775 to 18792
windows	18675 to 18683

AUTOMATIC SPRINKLER SYSTEMS: installation in children's homes, sanitariums, etc.

13113, 13114

AUTOPSIES

7113 to 7116

B

BAKERIES	28190 to 28254
baking materials	28210 to 28217
bread, hearth-baked	28231
bread labeling	28230, 28231
construction	17255
employees	28220 to 28226
premises	28195 to 28202
receptacles	28235 to 28238
unsold products	28240 to 28245
violations	28250 to 28254

BANDING OF PET BIRDS

2100 to 2103, 2105 to 2108

BASEMENTS

auto courts and resorts	18504.2, 18510
housing act provisions	15005, 15901 to 15904

BATHING. See also SWIMMING POOLS, SWIMMING RESORTS, ETC.

life saving devices: violations of regulations	24004
pollution of water supplies	4455

BATHTUBS AND SHOWERS.

auto courts and resorts	18778 to 18780
buildings	17530 to 17553
mobilehome parks	18276, 18350, 18351, 18356 to 18358

BAY AREA AIR POLLUTION CONTROL DISTRICT

actions and proceedings. See ACTIONS AND PROCEEDINGS.	24345 to 24372
advisory council	24356 to 24356.2
air contaminants—	
definition	24348.3
enforcement of provisions	24368 to 24368.7
exemptions	24360.1, 24360.2, 24360.8

BAY AREA AIR POLLUTION CONTROL DISTRICT—Continued.		Section
air contaminants—continued		
prohibited discharges		24360
reports re nature, degree, etc.		24362.4
air pollution control officer	24355 to	24355.2
boundaries		24350
city selection committees: membership, powers, etc.	24351 to	24352.1
claims against district		24374
creation, etc.	24350 to	24350.8
definitions	24348 to	24348.3
directors, board of: appointment, powers, etc.	24352 to	24354.10
dissolution		24372
fees: variance applications	24365.2,	24365.3
financial provisions	24370 to	24370.7
hearing board: appointment, procedure, etc.	24357, 24357.1, 24367 to	24367.11
hearings—		
judicial review	24368.4,	24368.5
procedure, generally	24367 to	24368.7
violations	24362.5 to 24362.7, 24367.11, 24368 to	24368.3
legislative declaration	24346 to	24346.2
local regulation	24360.1 to	24360.5, 24365.11
officers and employees	24354.6 to	24355.2
powers, generally	24354 to	24354.10
rules and regulations	24354.9, 24360.2, 24360.3, 24360.6, 24360.7, 24360.9, 24362 to 24362.7, 24365.2, 24365.11, 24367.11	24365 to 24365.11
variances		24365 to 24365.11
violations—		
hearings	24362.5 to 24362.7, 24367.11, 24368 to	24368.3
injunctions	24360.7, 24368, 24368.6, 24368.7	
BEDDING, BEDS, LINENS, ETC.		
apartment houses and hotels	17813, 17814, 19400 to	19500
dormitories		17154, 17155
health menaces, destruction of		3052, 3114
restaurants		28583, 28584
restaurants, itinerant		28628, 28629
towels, common		3800 to 3803
BEER. See ALCOHOLIC BEVERAGES; FOODS.		
BEQUESTS. See GIFTS.		
BEVERAGES. See also ALCOHOLIC BEVERAGES; RESTAURANTS.		
labeling	26495,	28322
public health department powers and duties re		202
BIDS.		
fire protection districts (law of 1961): bonds		13931
fire protection districts, metropolitan: contracts	14366 to	14368
garbage disposal district contracts	4121,	4121.1
garbage disposal franchises	4200 to	4204
hospital districts, local	32130.7, 32132, 32135, 32136, 32311	
sanitary districts (act of 1923): contracts exceeding \$2,500	6515.1 to	6515.3
sanitation districts, county—		
contracts		4755
negotiable promissory notes	4746.1, 4764.1,	4764.2
sewer district, municipal, (act of 1911) contracts	4627 to	4632
sewer revenue bonds: construction work of districts issuing	5012 to	5018
BIOLOGICS.		
advertising		1603
applicable law		1622
definitions	1600,	1601
distribution, etc.	375, 1600, 1602, 1603.5,	1623
laboratories—		
licensing	1605, 1607 to	1615
rules and regulations		1606
standards for equipment		1604
preparation	375,	1605
public health department powers and duties re	375, 1603 to 1608, 1611, 1614, 1615,	1619
rules and regulations	1603, 1603.5,	1606
storage		1603

NOTE: See also preceding SUPPLEMENTAL INDEX.

BIOLOGICS—Continued.

Section

transportation	1603, 1603.5
violations	1618 to 1621
whole blood, plasma, etc., transfusion, etc., of, as service	1623

BIRDS, PET: banding, sale, etc.	2100 to 2108
--------------------------------------	--------------

BIRTH CERTIFICATES. See BIRTH REGISTRATION.

BIRTH REGISTRATION. See also VITAL STATISTICS; VITAL STATISTICS REGISTRAR, STATE; VITAL STATISTICS REGISTRARS, LOCAL.

adopted children	10430 to 10439
alternative method	10500 to 10532
birth certificates—	
amendment—	
adoption of child	10430 to 10439
generally	10400 to 10404
legitimation	10440 to 10447
paternity, adjudication or acknowledgment of	10450
supplemental name reports	10420 to 10422
surname of parents, change in	10460, 10461
certified copies	10531, 10532, 10557, 10558, 10575 to 10578, 10580, 10581
contents	10008, 10125, 10433, 10442
delayed birth registration	10436, 10437, 10500 to 10532, 10550 to 10558
delayed certificates of birth	10436, 10437, 10501, 10530 to 10532
employment, certificate needed for purposes of	10581
incomplete certificates, duty of local registrar re	10420
new certificates—	
adopted children	10432 to 10435
change of name: filing fee	10461, 10611
contents	10433, 10442
legitimated children	10441 to 10445, 10447
original certificate: filing of copy, etc., with state registrar	10435, 10445
paternity, adjudication or acknowledgment of	10450
surname of child, change of	10460, 10461
objection to certain information because of conflict with religion	10008
requisites	10004
responsibility of parents	10102, 10421, 10460
responsibility of physician	10101, 10102
school, certificate needed for admission to	10581
supplemental name reports	10420 to 10422
transcripts	10580
central records depository	10060.5
duty of registering—	
generally	10000, 10100
persons responsible	10101, 10102
foundlings—	
certificate of finding	10150 to 10154
identification, later	10154
naming	10152
legitimated children	10440 to 10447
limited certification	10581
paternity: acknowledgment or adjudication	10450
unnamed children	10420 to 10422
verification of place and date of birth	10582

BLASTING CAPS	12150.5, 12221, 12301.5
---------------------	-------------------------

BLIGHTED AREAS. See COMMUNITY REDEVELOPMENT; HOUSING; URBAN RENEWAL.

BLINDNESS: prevention program	428, 428.1
-------------------------------------	------------

BLOOD, BLOOD PRODUCTS, ETC.

blood banks, disposition of body to	7100, 7115
processing, distribution, etc., for purposes of injection or transfusion	1623

BOARDING HOMES.

care of dependent minors, county contracts for	1451
--	------

BOILER ROOMS.

clothes cleaning establishments	13388
housing act provisions	16950 to 16959

BONDS, INDEMNITY.

	Section
bird band manufacturers	2102
drugs: relabeling and reprocessing upon court order	26368, 26369
fire protection districts (law of 1961), employees of	13857
fireworks, public display of	12606, 12608, 12660
foods: correction of adulteration or misbranding upon court order	26588, 26589
garbage disposal franchises, county: successful bidders	4202
hazardous substances, correction of misbranding of	28787, 28788
local fire district employees	14097
narcotic nuisance abatement proceedings—	
injunctions, temporary	11784
release of property	11796
sanitary districts (act of 1923)—	
annexation election costs	6842
treasurer	6801
sewer districts, municipal (act of 1911)—	
bidders	4628, 4631
contractors	4632
sewer revenue bonds: contractors for districts issuing	5018, 5020 to 5022

BONDS, INVESTMENT. See also **COMMUNITY REDEVELOPMENT LAW; HOUSING; SEWER REVENUE BONDS;** and for bonds of particular districts, see names of districts (e.g. **SANITATION DISTRICTS, COUNTY**).

fishing, etc., facilities at publicly owned domestic water supplies	4470.4
---	--------

BONDS, OFFICIAL.

district attorneys: sanitary districts (act of 1919), duties re	6248
fire companies' secretaries (unincorporated towns)	14838
hospital districts, local, treasurer of	32127
judges' or magistrates' bonds, liability of, re narcotic violation fines or forfeitures	11687
public health, state director of	108
sewer revenue bonds, treasurers of districts issuing	5034
tax collectors, county—	
sanitary districts (act of 1923), duties re	6767
treasurers, county—	
sanitary districts (act of 1923), duties re	6799

BOTTLES	28280.1, 28310 to 28322, 28431
----------------	--------------------------------

BOUNDARIES.

air pollution control districts	24201
bay area air pollution control district	24350
cemetery districts, public—	
annexations	9025 to 9054
formation	8901, 8912, 8925, 8926, 8931
withdrawals	9075 to 9078
community redevelopment projects areas	33011, 33481, 33500, 33700, 33730.5, 33747, 33748
fire districts, local—	
adjustment	14225 to 14229
reorganization	14014, 14273, 14276 to 14278
special fire protection zones	14302, 14304
statements, etc., filing of	14014, 14015
fire protection districts, county—	
annexations	14510 to 14516
consolidations	14525 to 14531
dissolution	14580 to 14592
formation	14415, 14418, 14426, 14427
withdrawals upon inclusion in city	14540 to 14551
withdrawals upon petition	14560 to 14568
fire protection districts (in one or more counties)—	
dissolution, generally	14760 to 14766
dissolution when area incorporated	14800 to 14804
exclusions when area incorporated	14811
formation	14600, 14610, 14611, 14615, 14619, 14620, 14623
inclusion of territory by election	14735 to 14750
inclusion of territory by petition	14720 to 14728
recording	14815, 14816
transfer of territory from one district to another	14752, 14758, 14759
zones, special fire protection	14713

NOTE: See also preceding **SUPPLEMENTAL INDEX.**

BOUNDARIES—Continued.

Section

fire protection districts (law of 1961)—		
annexations	13945 to 13948,	13998
consolidations	13955, 13956,	13998
dissolution, generally	13965 to 13970,	13998
dissolution upon inclusion in cities	13950, 13951,	13998
exclusion of territory		13949
formation	13821 to 13823,	13998
reorganized districts	13977, 13980 to	13982
withdrawals upon inclusion in city	13952 to	13954
zones, special fire protection		13993
fire protection districts, metropolitan: formation	14331, 14340 to	14344
garbage and refuse disposal districts	4176, 4187 to	4193
garbage disposal districts—		
annexations	4135 to	4139
consolidations	4165 to	4165.7
dissolution	4160 to	4163
formation	4105 to	4112
withdrawals	4143 to	4147
health districts, local—		
annexations	958 to	964
dissolution	967 to	970
formation	900 to	922
hospital districts, local—		
annexations	32004 to 32004.6	
exclusion of territory	32004.7, 32429, 32430,	32480
filing of statement and map or plat with county assessor		32002.5
formation	32001, 32002, 32003	
joint municipal sewage disposal district		5710.10
mosquito abatement districts—		
annexations	2332 to	2342
consolidations	2360 to	2375
dissolution	2390 to	2398
formation	2210 to	2224
municipal sewer districts (act of 1911)—		
annexed territory	4641, 4644 to	4647
formation	4608 to	4612
two or more municipal corporations, districts in		4614.10
unincorporated territory, districts in		4614.10
pest abatement districts—		
annexations	2900,	2901
consolidations	2360 to 2375, 2010,	2911
dissolution	2920 to	2922
formation	2822, 2830 to	2832
police protection districts (unincorporated territory)—		
dissolution	20350 to	20352
formation	20310 to	20317
police protection districts (unincorporated towns)—		
dissolution	20130 to	20144
formation	20025 to	20036
sanitary districts (act of 1923)—		
annexations	6830 to	6887
dissolution	6900 to	6907.5
exclusions	6885.10, 6910 to 6915, 6917, 6918, 6922,	6923
formation	6420 to	6466
reorganizations	6810 to	6819
sanitation districts, county—		
annexations	4830 to	4833
consolidations	4720 to	4728
dissolution	4850 to	4856
formation	4710 to	4718
refuse transfer or disposal systems	4741.1,	4741.5
withdrawals of cities	4845.05 to	4845.13
withdrawals of unincorporated territory	4845.20 to	4845.35
sewer districts (act of 1899)—		
formation	4660,	4661
unincorporated contiguous territory annexed to district	4669,	4670
sewer maintenance districts—		
annexations	4895 to	4903
dissolutions	4915 to	4927
exclusions	4905 to	4911
formation	4870 to	4878
sewer revenue bonds: sewer work areas		4974

BOUNDARIES—Continued.

Section

sewerage and water districts, county—

annexations	5620, 5631
formation	5510, 5511, 5514, 5515, 5518
withdrawal of city	5645.05 to 5645.13
withdrawal of unincorporated territory	5645.20 to 5645.34
unified air pollution control districts	24332

BRANDING. See DRUGS; FOODS.**BREAD**

display in open-end wrapping	28238
labeling	28230, 28231

BREWERIES: exemption from cold storage regulations 28116**BUDGERIGARS: banding, sale, etc.** 2100 to 2108**BUDGETS.**

cemetery districts, public	8970 to 8973
community redevelopment agencies	33851, 33852
fire districts, local	14152 to 14156
fire protection districts (in one or more counties)	14700
fire protection districts (law of 1961)	13902 to 13906
fire protection districts, metropolitan	14355
hospital districts, local	32201, 32221
mosquito abatement districts	2290, 2300, 2301
police protection districts (unincorporated towns)	20108
sanitary districts (1923)	6785
sanitation districts, county	4810, 4815
tuberculosis hospitals maintained by group of counties	3308

BUILDING MATERIALS.

housing act provisions	17252
lists of materials, etc., conforming with fire and panic safety standards	13144.1

BUILDING STANDARDS. See BUILDINGS.**BUILDING STANDARDS CODE, STATE** 18906, 18908**BUILDINGS. See also EARTHQUAKE PROTECTION; HOUSING ACT, STATE; PLUMBERS, PLUMBING, ETC.**

auto courts and resorts: definitions	18505
building standards commission—	
administrative regulations of state agencies—	
approvals, etc.	18903, 18904
publication of code, index and reference guide	18901
building: definition	18906.4
building standard: definition	18906.3
code, state building standards: adoption, publication, etc.	18906, 18908
intent	18906
members—	
appointment	18900
compensation	18907
meetings	18910
records	18911
powers and duties	18901 to 18906
purpose	18903
report to governor and legislature	18909
safety devices, certain, exemption of, from provisions	18906.3
building standards enforcement and supervision	18905
clothes cleaning establishments	13350 to 13401
fire inspection	13109, 13146.3, 13146.5
hospital districts, local: finance, construction, etc.	32127.1, 32135, 32221
human habitation, regulation of buildings used for	17910 to 17995
local building regulations	17951, 19825 to 19827
materials, equipment, etc. See BUILDING MATERIALS.	
mobilehome parks: construction	18200 to 18205, 18300, 18325 to 18370
mobilehomes and mobilehome parks: definition	18007
rodent inspection	1804 to 1806
sanitariums, children's homes, etc.: fire protection	13113 to 13114.5
school buildings: health supervision	485, 937
sewerage system connections and discontinuance of cesspool use	5009

BURRO MEAT. See HORSE MEAT.

NOTE: See also preceding SUPPLEMENTAL INDEX.

C

Section

CALCIMINING. See PAINTING, CALCIMINING, PLASTERING, ETC.

CALIFORNIA CONFERENCE OF LOCAL HEALTH OFFICERS:

establishment, organization, meetings, etc. 1110

CAMP CARS. See MOBILEHOMES AND MOBILEHOME PARKS.

CAMPS, ORGANIZED.

definitions	18897,	18897.1
rules and regulations	18897.2 to	18897.5
standards		18897.4
violations		18897.4

CANCER 1700 to 1721

CANCER ADVISORY COUNCIL 1701 to 1704, 1711, 1718

CANNERIES 28360 to 28455

cannery inspection board—		
members: terms, compensation, etc.	28380,	28381
powers and duties	28383 to	28403
community canning centers	28363,	28364
cost of inspection and laboratory control—		
deposit of estimated cost by licensee	28412 to	28416
estimates	28383 to	28388
hourly rate assessment		28403
proration	28400 to	28403
definitions and scope of provisions	28360 to	28366
enforcement	28440 to	28443
fish canning, supervision of		28434
funds, deposit of	28451,	28452
labeling of products		28431
licensing	28410 to	28430
quarantine of improperly canned products	28432,	28433
steam retort for sterilization of food products, use of		28430
violations		28455

CEILINGS.

apartment houses and hotels	16056, 16713.2, 17265, 17804, 17806,	17807
auto courts and resorts	18664, 18683	18794
bakeries		28199
bakeries and places where fat is boiled		17255
buildings, generally	16058,	16059
dormitories		17153
dwellings		16057
food processing establishments	28282,	28283
restaurants	28541,	28542
restaurants, itinerant		28591
semifireproof buildings	17303,	17304
wooden buildings	17324, 17324.5	

CELLARS.

auto courts and resorts 18505.1, 18510

CEMETERIES. See also CEMETERY DISTRICTS, PUBLIC; DEAD BODIES; MAUSOLEUMS AND COLUMBARIUMS.

abandonment of private nonendowment care cemetery	8825 to	8829
autopsies	7113 to	7115
cemetery associations	8250 to 8253, 8800 to	8806
cemetery authorities—		
conveyance of cemeteries from public cemetery districts		8963.5
sale, etc., of mausoleum crypts	8573,	8574
"cemetery authority" defined		7018
cemetery board, state; endowment care cemetery trust fund mergers: approval, etc.		8748
county: abandonment	8000 to	8005
cremated remains, actions against cemetery authorities re		7112
endowment care cemeteries—		
definitions	8726.1, 8738, 8739.1,	8740
deposits in endowment care fund—		
additional sum		8738.1
broker's, etc., commissions		8738.2
initial sales, deposits from		8738, 8738.2

CEMETERIES—Continued.

endowment care cemeteries—continued	Section
funds, generally—	
investment	8750 to 8751.1
prohibition against misrepresentation as perpetual or permanent	8747
separate records and accounts	8738.2
mausoleum and cemetery corporations, merger, etc., of	8748
nonendowment care section, establishment, etc., of	8740
reports	8745
signs	8740, 8741, 8745
stationery, contracts, statement headings, etc., re any nonendowment care sections	8740
generally—	
definitions	7000 to 7024, 8100
records	7500, 8110, 8111
liability re authorized interments	7111
nonendowment care cemeteries—	
abandonment as place of future interment	8825 to 8829
definitions	8739, 8739.1, 8740
sign to be posted in office	8743
stationery, contracts, statement headings, etc.	8740
nonendowment care section, establishment, etc., of	8740
pioneer memorial park, dedication and maintenance of abandoned cemetery as	8828, 8829
“plot owner,” defined	7023
private—	
associations	8250 to 8253, 8800 to 8806
burial parks, certain private or fraternal, reincorporation or abandonment of	8250
care, endowment and special—	
active cemeteries	8725 to 8748
charges	8276
corporations: mergers	8748
old cemeteries: proceedings re care, alteration, replatting, etc.	8715
special care	8775, 8776
charges for setting of markers, etc.	8276
contract limitations	8350, 8351
corporations, etc.	8252, 8253
crematories, operation of	8340, 8341
dedication, removal of	7906, 8580, 8581
funds—	
attachment, execution, and garnishment, exemption from	7925
endowment care	8701, 8725 to 8741, 8746, 8750, 8751, 8751.1
special care	8725
use of	7925 to 7933
nonendowment care. See subheading, <i>nonendowment care cemeteries</i> , above.	
officers, restrictions on	8360 to 8362
operation and management, generally	8275, 8276
plots, property rights in—	
descent	8603, 8604
family interment plots	8650 to 8653
generally	8600 to 8605
husband and wife	8601 to 8604
inalienability, voluntary establishment of	8680
inheritance taxes, exemption from	8604
interment, vested right of	8675, 8676
joint tenants	8625 to 8629
ownership, presumption of	8600
transfer. See also subheading, <i>plots, sale of</i> , below	8331
will, disposal by	8603, 8604
plots, sale of—	
conveyances, signing of	8572
generally	8570 to 8572
restrictions re use	8570, 8571
transfer ineffective until recorded in cemetery books	8331
police power	8325
property, acquisition, dedication and sale of—	
acquisition	8500
declaration of intention	8525, 8526
dedication	8550 to 8561

NOTE: See also preceding SUPPLEMENTAL INDEX.

CEMETERIES—Continued.

private—continued		Section
records: information re bodies received, interment, ownership and transfer of plots, etc.	8330,	8331
restrictions re plots	8570,	8571
rules and regulations	8300 to	8309
sextons, police power of		8325
streets, roads, etc., in, consent re opening of		8560.5
trustees of endowment care funds	8725 to 8726.1, 8731 to 8733.5, 9000 to	9005
public—		
burial of ineligible decedents	8961.2,	8961.3
burial of nonresidents		8961.1
charges	8961.2 to	8961.4
dedication, removal of		7906
definition		8250.5
fraternal or beneficial association, ownership and management by		
	8129, 8132 to	8134
generally	8125 to	8134
management, regulations, etc.	8129 to	8134
records		8128
sextons and other officers		8133
streets or roads in, consent re opening, etc., of		8134
title to land acquired by city after five years' use		8126
title to land acquired by city by purchase, or gift		8127
records—		
generally	7500, 8110,	8111
private cemeteries	8330, 8331, 8738.2,	8747.5
public cemeteries		8128

CEMETERY DISTRICTS, PUBLIC. See also CEMETERIES; DEAD BODIES; MAUSOLEUMS AND COLUMBARIUMS.

abandonment of cemeteries	9201 to	9225
abandonment of plots	9300 to	9309
annexation of territory—		
notice and hearing	9050 to	9055
petition	9025 to	9027
charges	8961.2 to	8961.4
claims against district		9010
conveyance of cemeteries to cemetery authorities		8963.5
definitions and general provisions	8890 to	8892
formation—		
boundaries	8901, 8912, 8925, 8926,	8931
hearing	8920 to	8926
notice of hearing	8910 to	8912
petition	8900 to	8903
protest and election	8930 to	8941
funds—		
endowment care	8961.2, 8961.4, 8961.5, 9000 to	9005
generally	8982 to	8985
government	8950 to	8952
map of cemetery		8963
mausoleums, acquisition and maintenance of		8961.7
monuments and markers, prohibition against sale of, by district or by officers or employees	8965,	8966
powers	8960 to	8969.5
quitclaim deeds to adjacent property, execution of		8969.5
rights of way, dedication of, for streets or highway purposes	8967 to	8969
taxation and finance	8970 to	8985
trustees	8950 to 8952,	
	8961.4, 8961.5, 8963, 8964, 8967 to 8969.5, 8990, 8991, 9000, 9002 to	9005
withdrawal of territory	9075 to	9078

CERTIFICATES. See also BIRTH REGISTRATION; DEAD BODIES; DEATH REGISTRATION; LICENSES, PERMITS, ETC.; MARRIAGE REGISTRATION; VITAL STATISTICS.

audiometrists, school		1686
drugs—		
examinations by state division of laboratories	26337, 26339,	26340
hearings re adulteration or misbranding: certificates of facts found		26342
reports by chief of bureau of food and drug inspections to state board of public health	26338 to	26340
fire companies in unincorporated towns—		
exemption certificates of officers and members	14839, 14840, 14856 to	14860
organization	14825 to	14828

CERTIFICATES—Continued.

Section

foods—	
bureau of food and drug inspections, chief of: certificates of findings re	
adulteration, misbranding, etc.	26561, 26563
laboratory, state: certificates of findings re adulteration, misbranding,	
etc.	26561, 26563
hospital districts, local—	
department of public health certificate of need for formation, etc.	32002
rates and charges, certificate of	32201
motor vehicle pollution control devices, certificates of approval of	24386, 24388, 24389
sanitarians	541, 542

CESSPOOLS. See also PRIVIES; TOILETS; SEWERS.

abandoned cesspools	24400, 24403
cleaning, regulation of persons engaged in business of	25000 to 25010
construction	5420
public nuisances: authority of districts issuing sewer revenue bonds to	
declare	5009
water supplies, draining into	4451, 4452

CHEWING GUM. See FOODS.

CHILDREN. See MINORS.

CHIROPODIST. See also PODIATRISTS.

clinics	1200.5
narcotic prescriptions, etc.	11000, 11570, 11571

CHURCHES

restaurant act, California, applicability of provisions of	28522
--	-------

CIGARETTES, CIGARS, ETC.

throwing lighted cigarette or cigar from moving vehicle	13001
throwing or placing lighted cigarette or cigar where fire may start	13000

CITIES. See MUNICIPAL CORPORATIONS.

CIVIL SERVICE

air pollution control districts	24228
bay area air pollution control district employees	24354.9
fire districts, local	14096
fire protection districts, county—	
blanketing of employees upon consolidation of districts	14525.1
city territory annexed to district, rights of fire personnel of	14451.1
generally	14447 to 14451.1
fire protection districts (law of 1961)	13856, 13880 to 13882
mosquito abatement districts	2270
narcotic enforcement, division of, employees	11103
sanitary districts (act of 1923)	6497

CIVIL SERVICE COMMISSIONS, COUNTY: fire protection district serv-

ices	14447 to 14451.1
------	------------------

CLAIMS.

against—	
air pollution control districts	24232
bay area air pollution control district	24374
cemetery districts, public	9010
community redevelopment agencies	33340
fire districts, local	14163.5, 14164
fire protection districts, county	14488
fire protection districts (law of 1961)	13915 to 13917
fire protection districts, metropolitan	14363
garbage and refuse disposal districts	4185.1
garbage disposal districts	4130
health districts, local	954
hospital districts, local	32492
housing authorities	34380
mosquito abatement districts	2320
narcotic enforcement, division of	11106
pest abatement districts	2880
police protection districts (unincorporated towns)	20115
sanitary districts (act of 1923)	6805

CLAIMS—Continued.	Section
against—continued	
sanitation districts, county	4817
sewage disposal districts, joint municipal	5745
sewage disposal districts, regional	6096
sewer districts in unincorporated territory (act of 1899)	4665.6
sewerage and water districts, county	5617
funeral expenses and costs of memorial against decedent's estate	7101
municipal sewer districts (act of 1911) : claims re sewer work or improvements : applicability of public works contractors' bond law	4636.7
public health department against county for services to physically handicapped children	257

CLEANING. See DISINFECTION, CLEANING, ETC.; CLOTHES CLEANING ESTABLISHMENTS.

CLERGYMEN.

communicable, etc., diseases, reports re	3125
marriage certificates, showing of official position on	10350
vital statistics, duty to supply information re	10005

CLERKS, COUNTY.

divorce and annulment decrees, reports of	10360
fire companies in unincorporated towns: certificates of exemptions, issuance of, to officers and members	14859
fire protection districts (law of 1961) : election duties	13892
joint municipal sewage disposal district, elections for formation of, duties re	5720.06
local fire district elections, duties re	14132

CLINICS AND DISPENSARIES.

alcoholic rehabilitation clinics	427.1
applicability of provisions	1200.5, 1204, 1205
charitable clinics	1203
definitions and general provisions	1200 to 1205
employees' clinics: definition	1203
employers' clinics	1203
governmental clinics	1204
hospital outpatient clinics	1204
licenses to operate—	
exceptions	1200.5
fee, annual	1229
generally	1200, 1210 to 1224
physicians, dentists, etc., clinics operated by	1200.5
public display	1223
revocation	1215
reports to state department	1224
rules and regulations by state department	1222
state department, annual reports to	1224
teaching and research clinics	1203
venereal disease prevention and control	3184

CLOTHES CLEANING ESTABLISHMENTS. See also SPOTTING, SPONGING, AND PRESSING ESTABLISHMENTS.

administration by state fire marshal	13250 to 13254
buildings, construction requirements re	13350 to 13377
definitions	13201 to 13219
equipment, etc.	13379 to 13404
hazardous buildings or areas, smoking in	13396
140-F dry cleaning processes	13203.1, 13204.1, 13425 to 13426
operation, etc.	13379 to 13404
permits	13300 to 13312
violations of provisions	13450 to 13454

COCAINE. See NARCOTICS.

CODEINE. See NARCOTICS.

COLD STORAGE. See also FROZEN FOOD LOCKER PLANTS.

generally	28110 to 28160, 28720
horse meat	28003
warehouses	28110 to 28160, 28720

COLUMBARIUMS. See MAUSOLEUMS AND COLUMBARIUMS.

Section

COMMON CARRIERS. See also RAILROADS; TRANSPORTATION.	
dead bodies, transportation of. See DEAD BODIES.	
explosives, transportation of	12300 to 12303
spotting and pressing of passengers' clothing	13780
COMMUNICABLE, CONTAGIOUS, AND INFECTIOUS DISEASES.	
See also QUARANTINE OF DISEASES; RABIES; TUBERCULOSIS; VENEREAL DISEASES.	
bacteriological and chemical laboratories, municipal and county	1000 to 1002
bakeries, employees of	28224
food processing establishment employees	28295
information for local registrars from state registrar of vital statistics	10003
prevention: special sanitary tax receipts, use for	850
psittacosis, regulations re	2104
public health department investigation of causes of	200
reportable diseases	3110, 3121 to 3125, 3199, 3286
restaurants, etc., persons working in	28687, 28688
tuberculosis. See TUBERCULOSIS.	
violations	3350 to 3355
COMMUNITY LAND CHEST LAW. See HOUSING—community land chest law.	
COMMUNITY REDEVELOPMENT LAW	
appropriations	33000 to 33985
blighted areas—	33850, 33853, 33854, 33881
characteristics	33040 to 33044, 33070
determination re adoption of redevelopment plans	33731
state policy	33040 to 33048, 33070
wartime housing projects, temporary government-owned	33048
bonds—	
action to determine validity	33921, 33955 to 33957
bondholders or obligees, rights of	33932, 33933
general obligation bonds: issuance, etc., by county or city	33881.5, 33881.6
generally	33005, 33910 to 33936, 33955 to 33957
issuance	33710, 33737, 33910 to 33917
legal investments as	33935
liability	33913, 33914
negotiability	33920
sale	33918
security	33911, 33912
signatures	33919
tax exemption	33934
types issuable	33911
validation	33921, 33955 to 33957
chartered cities, exercise of powers by	33231.5
definitions	33001 to 33016
discrimination	33049, 33050, 33071
displaced occupants, housing for	33070, 33270, 33738, 33739
financing, generally	33018, 33276, 33734, 33850 to 33953, 33955 to 33957
funds—	
community redevelopment agency administrative fund	33853, 33854
redemption revolving fund	33880 to 33889
hearings—	
amendments to redevelopment plans	33747
joint exercise of powers	33330
lease or sale of property	33268
redemption plans	33700, 33730, 33730.5, 33732, 33747
legislative intent re proceedings under plans	33735
planning commission—	
existence of commission as prerequisite for community redevelopment	33451
preliminary plans, powers and duties re	33500 to 33503
project area selection, powers and duties re	33500 to 33503
redemption plans, duties re	33703 to 33705, 33747
plans—	
alternative plans	33702, 33745
master or general plan	33452
preliminary plans	33500 to 33503
redemption plans—	
actions attacking validity, etc.	33746
adoption by legislative body	33730 to 33749
alternative plans	33702, 33745

COMMUNITY REDEVELOPMENT LAW—Continued.

plans—continued		
redevelopment plans—continued		Section
amendment		33747
generally	33700 to	33749
hearings re adoption	33700, 33730 to 33732,	33747
hearings re amendments		33747
planning commission, approval, etc., of	33704, 33705,	33747
property condemned, payment for		33736
property owner participation	33701, 33702,	33745
provisions, mandatory	33706, 33707,	33709
provisions, permissive		33710
rehousing displaced residents	33738,	33739
validity, action to contest		33746
validity, action to determine	33955 to	33957
urban renewal plans	33955 to 33957, 33974, 33980,	33981
project areas—		
definition		33011
selection and plans	33500 to	33749
projects: taxation		33950 to 33954
public bodies—		
aid and cooperation in construction and operation of projects	33018, 33070,	33269
definition		33016
redevelopment agencies—		
administrative expenses	33850 to	33855
aid from governmental agencies	33016, 33018, 33070,	33276
bonds. See subheading <i>bonds</i> , above.		
budget	33851,	33852
chairman		33233
claims against agencies		33340
community legislative body as agency		33231.5
contiguous territory, redevelopment of, by designated agency		33333
contracts—		
construction, etc. See subheading, <i>contracts for construction</i> , below.		
lease or purchase of property	33272 to	33275
presumption re exercise of powers		33202
school districts, services of, to temporary projects	34600 to	34606
contracts for construction, etc.—		
bids		33300
bonds of contractors		33305
wages: prevailing rate, payment of	33301 to	33304
creation	33200 to	33203
definition of agency		33002
delegation of powers or functions		33231.5
displaced persons, rehousing of	33070, 33270, 33738,	33739
dissolution		33204
eminent domain	33237, 33267.2, 33277, 33700, 33708,	33736
financial assistance from state or federal government		33276
hearings. See subheading, <i>hearings</i> , above.		
jurisdiction, territorial		33278
members—		
generally	33230 to 33237,	33260
liability for bond issues		33913
officers and employees	33230 to	33237
ordinances declaring need for agencies		33201
powers—		
generally	33070, 33260 to 33282,	33955
joint exercise of powers	33330 to	33333
property—		
acquisition	33018, 33237, 33267, 33267.2,	
	33277, 33700, 33708, 33736, 33883, 33884,	33887
execution, exemption from		33017
sale or lease	33018, 33267, 33268, 33274.1, 33280,	
	33281, 33708, 33709, 33885 to 33887,	33953
redevelopment plan, powers and duties re	33700 to	33712
refinancing loans, agreements re		33881.6
rehousing bureau, operation of		33270
relocation payments		33270.1
reports—		
activities		33282
redevelopment plans, reports accompanying	33712,	33730
rehabilitated property held more than one year		33281
revenues and expenditures		33855

COMMUNITY REDEVELOPMENT LAW—Continued.

redevelopment agencies—continued		Section
taxation	33279, 33950	to 33954
urban renewal projects, powers and duties re	33970	to 33985
validity of establishment, etc., action to determine	33955	to 33957
redevelopment areas—		
definition	33003,	33004
designation—		
generally	33480	to 33482
prerequisites	33450	to 33452
redevelopment revolving fund	33880	to 33889
rehousing bureaus	33279,	33950
short title		33000
state policy	33040	to 33049,
taxation	33279, 33950	to 33954
urban renewal projects	33955	to 33957, 33970
wartime housing projects, temporary government-owned: inclusion in		33985
blighted areas		33048

COMMUNITY SERVICES DISTRICTS.

county sanitation districts, reorganization of, as	4857.5, 4858.5,	4859
property of local fire districts, succession to		14255

COMPENSATION, SALARIES, WAGES, ETC. See also FEES.

air pollution control district officers and employees		24227
alcoholic rehabilitation advisory committee, members of		427.4
atomic energy development and radiation protection, advisory council on:		
members		25762
atomic energy development and radiation protection, office of		25730
bay area air pollution control district—		
advisory council		24356.2
city selection committees		24351.5
directors, members of board of		24352.5
executive secretary, control officer, etc.		24354.6
building standards commission members		18907
cancer advisory council: members		1702
cannery inspection board members		28382
cemeteries, private, trustees of		8733
civil service commissions and departments, county: fire protection district		
services		14448
cold storage warehouse inspectors		28145
community redevelopment agency members		33234
county officers required to act as sanitary district officers, reimbursement of		6499
dentists and dental hygienists—		
city		701
county		703
fire advisory board, state, members of		13141
fire districts, local: boards of fire commissioners	14065, 14066,	14102
fire marshal, state		13101
fire protection districts, county—		
commissioners	14453, 14455.1, 14455.2	
employees	14455.1, 14455.6	
fire protection districts (law of 1961): district board members	13844,	13845
food and drug inspections, bureau of, employees of		26559
health districts, local, board members of		930
health officers—		
county		454
local health districts	940,	942
hospital advisory board members		1409
hospital committees, local, members of		431.6
hospital council, advisory, members of		431.2
hospital districts, local, board members of		32103
housing appeals board, state, members of		17933
housing authority commissioners		34274
housing for the elderly, chief of division of		35810
joint municipal sewage disposal district directors		5730.08
mosquito abatement districts—		
board members		2248
board secretary		2249
motor vehicle pollution control board, members of		24384
narcotic enforcement, state division of—		
chief		11101
special counsel		11680

NOTE: See also preceding SUPPLEMENTAL INDEX.

COMPENSATION, SALARIES, WAGES, ETC.—Continued.		Section
pest abatement district trustees	-----	2851
police protection districts (unincorporated towns)—	-----	
commissioners	-----	20069
employees	-----	20071
public cemetery district trustees	-----	8952
public health nurses—	-----	
city	-----	601
county	-----	603
public health, state department of—	-----	
employees	-----	110
members	-----	105
public health, state director of	-----	107.5
sanitary districts (act of 1923)—	-----	
assessor	-----	6496
board members	-----	6489
board secretary	-----	6489
sanitation districts, county, directors of	-----	4733
sewage disposal districts, regional: board of directors	-----	5970
sewer revenue bonds: employees of districts issuing	-----	5005, 5026
sewerage and water districts, county: board members	-----	5536
sheriffs: food violation services	-----	26602
treasurers, county—	-----	
local fire districts, duties re	-----	14163
police protection districts (unincorporated towns), duties re	-----	20113
vital statistics registrars, local	-----	10033, 10650 to 10653

CONFECTIONERY. See FOODS.

CONSTRUCTION, BUILDING. See AUTO COURTS AND RESORTS; BUILDINGS; EARTHQUAKE PROTECTION; HOUSING ACT, STATE; HOUSING LAW, STATE; MOBILEHOMES AND MOBILEHOME PARKS.

CONSTRUCTION OF CODE PROVISIONS. See also STATUTES.

animals, use of, for diagnostic and research purposes	-----	1670
auto courts and resorts	-----	18500 to 18512
bedding and sanitation, hotel	-----	19400
biologics	-----	1622, 1623
building regulations, local	-----	19825
burial parks, certain private or fraternal	-----	8250
canneries	-----	28388
cemeteries, private	-----	8250, 8251
cemeteries, public	-----	8250.5
cemetery districts, public	-----	9100
cemetery districts, public: monuments or markers	-----	8966
clinics and dispensaries	-----	1204, 1205
clothes cleaning establishments	-----	13201
community land chest law	-----	35101, 35131, 35230
dead bodies—	-----	
cremated remains, limitation on action against cemetery authorities re	-----	7112
decedent's instructions re disposition	-----	7100
disinterment and removal of: consent to removal	-----	7528
dogs, control of	-----	1921
drugs and devices—	-----	
advertising	-----	26274
misbranding	-----	26240, 26255
new drugs or devices	-----	26292
selling	-----	26213
violations, administration re	-----	26332
earthquake protection	-----	19000, 19100
endowment hospitals	-----	32500
exit and stairway signs in hotels	-----	19700
explosives—	-----	
generally	-----	12002, 12003
magazines of the first class	-----	12175
sales records	-----	12109
storage	-----	12152, 12153
fire district law, local	-----	14009, 14021
fire protection districts, county—	-----	
civil service	-----	14451, 14451.1
generally	-----	14405
fire protection districts (in one or more counties)	-----	14603
fire protection districts (law of 1961)	-----	13814

CONSTRUCTION OF CODE PROVISIONS—Continued.

	Section
fire protection districts, metropolitan	14375
fireproof buildings	17283, 17284
fireworks	12501
foods—	
administration	26555, 26557
adulteration	26472
advertising	26501.1
exportation, foods prepared for	26512
general provisions	26459, 26461, 26462
local administration	26616, 26623
misbranding	26495, 26496
violations, administration re	26555
gas illumination in rented rooms	19600
generally	2 to 24
handicapped persons, establishments for	1513
health administration, local, state aid for	1110.5
health districts, local—	
board of trustees	926
powers of	936
hospitals, certain: exemption from licensing provisions	1415
housing authorities law	34202, 34217, 34218, 34320, 34323, 34327.5
housing cooperation law	34503
housing for the elderly law	35802, 35920
industrial waste and sewage disposal	5415
interment, costs of	7101
limited dividend housing cooperation law	34801, 34831, 34943
maternity hospital provisions re authority of social welfare department	1415
mausoleums and columbariums	9512, 9677
mobilehomes and mobilehome parks	18000 to 18013
mosquito abatement districts	2203
narcotics—	
division of narcotic enforcement	11107
prescriptions	11166.12, 11200
navigable waters, pollution of	4404
ocean water-contact sports	24159
police protection districts (unincorporated towns)—	
county or county officer	20004
elections	20005
taxes	20005
sanitary districts (act of 1891): repeal, effect of	6935
sanitary districts (act of 1919): repeal, effect of	6935
sanitary districts (act of 1923)—	
inclusion in county sanitation district	6529
reorganization	6817 to 6819
reorganization of other sanitary districts under provisions of act of 1923	6935
sewers for annexed territory	6530.1, 6661
sanitation districts, county—	
bond issuance	4799
inclusion of sanitary districts (act of 1923)	6529
self-medication	26274
semifireproof buildings	17303
separate sewer district law (Stats. 1909, Ch. 673), effect of repeal of	5475
sewage and industrial waste disposal	5415
sewage disposal districts, regional	5901
sewer districts, municipal (act of 1911)	4602
sewer maintenance districts	4864
sewer revenue bonds—	
bond provisions	4994
general provisions	4960
referendum	4959
sleeping rooms, air space in	19300
spotting, sponging and pressing establishments	13501
stairway enclosures: new buildings	17283, 17284, 17303
temporary housing projects law	35452
vandalism	8103
venereal diseases	3189, 3199
water supply	4455.5

CONTAGIOUS DISEASES. See COMMUNICABLE, CONTAGIOUS, AND INFECTIOUS DISEASES; see also QUARANTINE OF DISEASES; TUBERCULOSIS.

NOTE: See also preceding SUPPLEMENTAL INDEX.

CONTAINERS. See DRUGS; FOODS; GARBAGE; HAZARDOUS SUBSTANCES, LABELING OF.

CONTAMINATION. See POLLUTION.

CONTEMPT OF COURT: narcotic nuisances, violation or disobedience of injunction against or order for abatement of..... 11790

CONTRACTS.

air pollution control districts, generally.....	24212, 24266, 24268	
bay area air pollution control district.....	24352.7, 24354.8, 24354.10	
cemeteries—		
contract limitations.....	8350,	8351
cremated remains, care of.....		7112
endowment care.....		8730
lands, agreements to sell.....		7903
cities. See MUNICIPAL CORPORATIONS.		
community redevelopment agencies		
33050, 33202, 33300 to 33305, 33744, 33881.6, 34600 to		34606
counties re care, etc., of indigents.....		1451
counties re care of tuberculosis patients.....		3299
counties re group tuberculosis hospitals.....		3305
county department of public health or public welfare, re services to physically handicapped children.....		257.5
fire districts, local.....	14092, 14095, 14099, 14100.1, 14201,	14202
fire protection districts, county.....	13052.5, 14408, 14435.5,	14548
fire protection districts (in one or more counties).....		14682, 14690
fire protection districts (law of 1961).....	13852, 13855, 13859, 13861, 13941,	13942
fire protection districts, metropolitan.....	14365 to	14368
fishing, public, in water supply reservoirs, governmental agency contracts re.....	4463,	4471
garbage disposal districts.....	4121,	4121.1
gnat control agreements between state and local agency.....		2426
health administration, local—		
between counties and cities.....	480 to	484
between counties and county superintendents of schools.....		485
health districts, local, with county superintendents of schools.....	485,	937
hospital districts, local—		
bids.....	32132, 32135,	32136
construction and leasing contracts, effective date of.....		32134
directors or officers, prohibition against interest of.....		32108
emergency contracts for work, materials, etc.....		32136
lease-purchase agreements.....		32135
physicians, professional services of.....		32129
housing authority contracts—		
displaced persons, financing of relocation of.....		34330
housing for the elderly, loans for.....	35940 to	35943
prohibited interests by city, etc., governing body members.....		34328.2
school districts: services, etc., to temporary projects.....	34600 to	34606
housing cooperation law.....	34500 to	34521
housing corporations, limited dividend: loans for housing for the elderly.....		
35940 to	35943	
housing for the elderly, chief of division of: loans for projects.....	35940 to	35943
housing law, state, enforcement: assistance to counties and cities.....		17966
joint municipal sewage disposal districts.....		5740.11
land chest corporations: loans for housing for the elderly.....	35940 to	35943
mausoleum crypts, sale of.....	8573,	8574
mosquito abatement districts with owners re compensation for damages.....		2270
mosquito control agreements between state and local agency.....		2426
motor vehicle pollution control board with laboratories for testing of devices.....		24398
municipal sewer district (act of 1911): applicability of public works contractors' bond law.....		4636.7
narcotic sales without prescriptions.....	11574 to	11576
nonprofit corporations: loans for housing for the elderly.....	35940 to	35943
pest abatement districts with owners re property damaged.....		2853
police protection districts (unincorporated towns).....	20071.5,	20077
public health, state department of—		
agricultural workers, seasonal and migratory, program for.....		429.1
air sanitation, agreements re.....		426
alcoholic rehabilitation: co-operation with local governmental agencies, etc.....	427 to	427.2
blindness prevention program, agreements re.....		428.1
cancer, specialized services and advice re.....	1704,	1711

CONTRACTS—Continued

public health, state department of—continued	Section
physically handicapped children, services to	259, 261
radiation control law	25810, 25816, 25820, 25835
radioactive wastes, agreements for inspection, etc., activities re	25606
radiation control law	25810, 25816, 25820, 25830, 25835, 25870 to 25876
sanitary districts (act of 1923)	6515, 6530, 6530.1, 6540 to 6543, 6823
sanitation districts, county—	
generally	4755
initial costs and expenses, advances for, from other districts	4819
joint operations	4840 to 4843
private facilities acquired, etc., by district, reimbursement for	4742.3
with cities or public agencies in the district	4761
with other governmental agencies, etc.	4742.1, 4742.2, 4760, 4761, 4764.2, 4843
school districts: services, etc., to community redevelopment agencies and housing authorities	34600 to 34606
sewer districts (act of 1899): joint use of sewers or other disposal facilities, contracts with other governmental agencies re	4667
sewer districts, municipal (act of 1911)	4627 to 4633, 4635, 4636
sewer maintenance agreements between municipal corporations and sanitary districts (act of 1923)	6530, 6530.1
sewer maintenance districts	4887, 4888, 4902, 4903, 4926
sewer revenue bonds, districts issuing—	
construction contracts	5010 to 5022
contracts with Reconstruction Finance Corporation or other United States fiscal agency	5008
leases of districts with other governmental agencies for use of works	5060 to 5063
territory annexed to cities, use and maintenance charges for, contracts for payment of	5072
sewerage and water districts, county	5542 to 5544, 5546.5, 5546.6, 5555 to 5557.1, 5560, 5561, 5564
temporary housing projects law	35482, 35483, 35543
tuberculosis hospitals, county agreements re	3305
tuberculosis patients, county agreements re care of	3299

CONTROLLER, STATE. See also APPROPRIATIONS; FUNDS—state.

elderly persons low rent housing finance committee: membership	36000
fire hazards on state property	13104.6
health administration, local, state aid for: duties re	1156
housing for the elderly law, duties re	35972, 35992, 35995, 36000, 36003
narcotic violation fines and imprisonments, records and reports of, duties re	11686
public health federal fund, duties re	119, 120
special deposit fund, duties re	121

CONVALESCENT HOMES

actions to enjoin violations	1418.5
hospital, inclusion in definition of	1401
“hospital”, use of name	1401.5

COOKING

housing for the elderly, stoves in	19950
room used for	17700 to 17702, 17708

CORONERS. See also CEMETERIES; DEAD BODIES.

accidental, suicidal, or homicidal deaths	10250 to 10252
autopsies, authorizations for	7113 to 7116
burials, where no person having duty of within state	7104
dead bodies, custody of, when entitled to	7102
dead bodies, removals of, to out-of-state points: certificate to accompany permit	7552
death certificates, duties re	10185, 10186, 10203, 10204, 10251, 10252
deaths during continued absence of attending physician, duties re	10251, 10252
deaths from unknown causes, duties re	7300
deaths without medical attendance, duties re	10185, 10186, 10251, 10252
disinterment and removal of bodies, orders for	7528
indigents, burial of	7104
liability, civil, re autopsies	7116
unidentified persons, duty on identification of bodies of	10410, 10411

CORPSES. See DEAD BODIES.

NOTE: See also preceding SUPPLEMENTAL INDEX.

	Section
CORRECTIONS, DEPARTMENT OF: narcotic treatment-control units, powers and duties re	11750 to 11753
COSMETICS	
administration of provisions	26051
adulteration	26021, 26022
definitions and general provisions	26001 to 26012
guaranties against adulteration or misbranding	26041, 26050
laboratory, state, for analyses and examinations	26558
misbranding	26031 to 26035
prohibited acts	26041
violation penalties	26050
COSTS, COURT.	
drugs—	
adulteration or misbranding hearings	26367
condemnation proceedings	26367
explosives: actions for forfeitures	12305
fire nuisances, abatement of—	
clothes cleaning establishments	13253
spotting, sponging and pressing establishments	13553
foods, condemnation proceedings re	26587, 26588
hazardous substances, misbranded, condemnation proceedings re	28786, 28787
housing act enforcement proceedings	15294
mausoleums and columbariums, violation prosecutions	9675, 9676
narcotic nuisance abatement proceedings	11788, 11789, 11794 to 11796
COUNTIES. See also DISTRICT ATTORNEYS; FUNDS; GOVERN- MENTAL AGENCIES; ORDINANCES; and for powers, duties, etc., in connection with particular districts, see names of districts (e.g. FIRE PROTECTION DISTRICTS, COUNTY).	
air pollution control districts. See AIR POLLUTION CONTROL DIS- TRICTS.	
air pollution control, local	24247 to 24249, 24360.3 to 24360.5, 24365.11
auditors. See AUDITORS, COUNTY.	
auto courts and resorts—	
applicability of provisions	18512
local regulation	18800
bay area air pollution control district, loans to, from counties within district	24370.4
bonds for sanitation and sewerage systems, payment of	5471
building regulations, local	17951, 19826, 19827
cemeteries, nonendowment care: abandonment as place of future inter- ment	8825 to 8829
cemeteries, public. See CEMETERIES.	
charges—	
excavations, abandoned, cost of covering or fencing	24402
fire extinguishment services extended by other governmental agencies	13054
rodent eradication	1807, 1917
sheriffs' fee and compensation for drug administration enforcement	26383
tuberculosis hospital central committee delegates' expenses	3302
city selection committees—	
bay area air pollution control district—	
membership, etc.	24351 to 24352.1
powers and duties	24352, 24352.1
civil service commissions: fire protection district services	14447 to 14451.1
community redevelopment—	
displaced occupants, housing for	33738, 33739
issuance, etc., of general obligation bonds	33881.5, 33881.6
dentists and dental hygienists: employment, qualifications, etc.	702 to 703
EARTHQUAKE PROTECTION. See EARTHQUAKE PROTECTION.	
excavations, abandoned, on unoccupied public lands	24401, 24402
fire and panic protection rules and regulations, etc.	13140, 13143 to 13146.5
fire districts, local: use of property or funds reverting upon dissolution	14256
fire hazards on state property, requests for abatement of	13104.5
fireworks, provisions re	12600 to 12609, 12754
garbage disposal contracts	4121, 4121.1
garbage disposal franchises	4200 to 4204
health administration—	
contracts with cities	480 to 484
contracts with superintendents of schools	485
generally	450 to 460
state aid	1100 to 1157

COUNTIES—Continued.

	Section
health officers -----	451 to 460, 476, 477, 10050
hospital districts, local, vesting of funds upon dissolution of -----	32009
housing. See COMMUNITY REDEVELOPMENT; HOUSING; HOUSING ACT, STATE.	
housing projects, prohibited interest of governing body members in -----	34328.2
joint sanitary sewage facilities, flood control works, etc., co-operative agreements for -----	4614.15
laboratories, bacteriological and chemical: establishment and maintenance -----	1001
medical facilities, county -----	1440 to 1475
mobilehomes and mobilehome parks—	
enforcement of provisions -----	18100, 18101, 18104
local regulation -----	18010, 18011, 18300, 18325, 18372
mobilehomes: exemption from local ordinances re plumbing, etc., standards -----	18372
nuisances, duties re -----	18102 to 18104
permits and fees -----	18200 to 18214
motor vehicle pollution control provisions, applicability of -----	24389 to 24394.3
officers acting as sanitary district officers, reimbursement of -----	6499
ordinances. See ORDINANCES.	
parks, pioneer memorial, maintenance, etc., of -----	8828, 8829
physically handicapped children, services for -----	254 to 258, 268 to 271
police protection: funds -----	20143
poliomyelitis immunization for school pupils, costs of -----	3382
public health nurses, employment of -----	602, 603
rabies control. See RABIES.	
restaurants, etc., regulation of -----	28693
rodent eradication -----	1804 to 1808
sanitarians, employment of -----	540 to 542
sanitation districts, county: contracts for services of districts in federal lands -----	4764.2
sanitation districts reorganized as sanitary districts, duties of county officers re -----	6825
sanitation or sewerage system fees, charges, etc. -----	5471 to 5474.10
sewer districts (act of 1899): annexation of unincorporated territory -----	4668 to 4671
sewer maintenance districts—	
emergency loans -----	4894
transfer of county funds -----	4893
sewer revenue bonds. See SEWER REVENUE BONDS.	
sewerage and water districts, county, withdrawal of territory from -----	5645.20 to 5645.34
supervisors—	
air pollution control districts, generally—	
appropriations to -----	24209, 24210
determination of need -----	24202 to 24206
audit of sheriff's fees and expenditures for drug enforcement duties. --	26383
bay area pollution control district, powers and duties re -----	24350.4 to 24350.7, 24352, 24352.1
cemeteries, public, powers and duties re -----	8125, 8131, 8133, 8134
cemetery districts, public—	
audit reports in lieu of trustees reports, provision for -----	8991
trustees, acting as -----	8950.5
trustees, appointment of -----	8950
explosives, gunpowder, etc., rules and regulations re -----	851
fire districts, local—	
annexation of territory, approval of -----	14215.5
boundaries, duties re -----	14014, 14226 to 14228, 14276 to 14278
commissioners, appointment of -----	14055, 14059 to 14061.1
consolidated board members, appointment of -----	14235 to 14237
dissolution by resolution -----	14258
property tax, levy of -----	14157
reorganization, duties re -----	14274 to 14279
special tax, fixing rate of -----	14175
fire protection districts, county: powers re creation, etc., of special fire protection zones -----	14598 to 14598.5
fire protection districts, county—	
contracts with cities, powers and duties re termination of -----	14408
powers and duties re formation, etc. -----	14410 to 14419, 14455 to 14455.11

NOTE: See also preceding SUPPLEMENTAL INDEX.

COUNTIES—Continued.
supervisors—continued

Section

fire protection districts in one or more counties—		
appointment of directors	14654.5,	14661
change of name, duties re	14759.1, 14759.4 to	14759.7
transfer of territory from one district to another	14752 to	14759
withdrawal of territory, powers and duties re	14776 to	14791
fire protection districts (law of 1961)—		
boundaries, duties re	13947, 13948, 13955 to	13957
consolidation, duties re	13955 to	13957
directors—		
appointment	13831, 13833, 13838,	13839
election where tie		13834
employee status, change of, between districts and counties		13881
reorganization, duties re	13978 to	13980
tax rate for bonds, fixing of		13936
taxes, levy of		13907
garbage and refuse disposal districts—		
annexations, duties re	4188 to	4190
dissolutions, powers and duties re	4194 to	4197
formation, powers and duties re	4171 to	4178
levy of taxes	4182,	4183
garbage and refuse dumps, consent to acquisition, etc., of		4260
garbage disposal franchises, powers and duties re	4201,	4202
health districts, local, appointment of boards of	926, 926a,	927
health officers, appointment of		451
health services by state department of public health, request for		1157
hospital districts, local—		
consolidation proceedings, powers and duties re	32490.1 to	32490.3
tax levy for, powers and duties re	32130, 32130.5, 32202,	32203
housing act, state: application of provisions to dwellings in unincorporated areas		15151
joint municipal sewage disposal districts, elections re creation of, duties re	5720.01 to	5720.15
medical facilities, county, powers and duties re	1440 to	1474
mosquito abatement districts—		
annexations, powers re	2330,	2333.6
consolidations, duties re	2367,	2370
formation, powers re	2215.5,	2216
name, change of	2225,	2226
motor vehicle pollution control certified devices, powers and duties re	24394,	24394.3
pest abatement districts—		
annexations, powers re		2901
consolidations, duties re	2367,	2370
dissolution, duties re		2921
police protection districts (unincorporated territory)—		
dissolved districts, powers re		20352
withdrawal of territory, powers and duties re	20342 to	20346
police protection districts (unincorporated towns)—		
annexation proceedings, duties re	20050 to	20057
dissolved districts, powers re		20144
elections re formation of, duties re	20034, 20040 to	20046
public health, powers and duties re	450, 451,	456
sanitary districts (act of 1891), duties re	6940 to	6941.9
sanitary districts (act of 1919), duties re	6940 to	6941.9
sanitary districts (act of 1923)—		
annexations, duties re	6852, 6881,	6886.4
exclusions, duties re	6912 to 6914, 6920, 6922,	6923
levy of taxes	6781, 6787,	6789
sanitary tax, special		850
sanitation districts (county), dissolved, duties re		4855
sewage disposal districts, regional, powers re creation of	5945 to	5948
sewer districts (act of 1899)—		
annexation of unincorporated territory, powers and duties re	4668 to	4670
formation, duties re	4660,	4661
sewer maintenance districts, transfer of county funds to		4893
sewerage and water districts, county—		
board of directors, supervisors as		5530
formation, powers and duties re	5510 to	5518
unified air pollution control districts, powers and duties re	24331, 24335,	24337
water supplies, publicly owned domestic, powers re recreational use of		4470.1
weeds, declaring of, as seasonal and recurrent		14900.5

COUNTIES—Continued.	Section
trailer coaches—	
exemption from local ordinances re plumbing, etc., standards	18372
ordinances re occupancy	18251
tuberculosis, expenditures for	3280
tuberculosis subsidy, state, offsets from	3300.1
tuberculosis wards, hospitals, etc., establishment and maintenance of	3294, 3298 to 3310
vital statistics administration	10050 to 10054
weeds. See WEEDS.	
COUNTY AUDITORS. See AUDITORS, COUNTY.	
COUNTY CLERKS. See CLERKS, COUNTY.	
COUNTY COUNSEL: duties re local hospital districts	32121
COUNTY FIRE PROTECTION DISTRICTS. See FIRE PROTECTION DISTRICTS, COUNTY.	
COUNTY MAINTENANCE DISTRICTS: annexation of territory to sewer maintenance districts: effect	4901, 4902
COUNTY RECORDERS. See RECORDERS, COUNTY.	
COUNTY SANITATION DISTRICTS. See SANITATION DISTRICTS, COUNTY.	
COUNTY TREASURERS. See TREASURERS, COUNTY.	
COURTS, COURTYARDS, ETC. See YARDS AND COURTS; see also HOUSING ACT, STATE.	
COURTS OF LAW. See ACTIONS AND PROCEEDINGS; JUDGES AND JUSTICES.	
CREMATORIES: operation, generally	8340, 8341
CRIMES. See also PENALTIES, FINES, ETC.	
felonies—	
birth, delayed registration of: filing, etc., of false certificate or affidavit	10690
cancer provisions, violations of	1715
dead bodies, mutilation, disinterment or removal of, without authority	7052
dead bodies, removal of, for sale or dissection	7051
explosives—	
intimidating or endangering any human being recklessly or maliciously	12352
public places, exploding or attempting to explode at or near	12354
public places, possessing in or near	12352
transporting on common carriers	12302
unlawfully possessing, knowingly	12353
horse meat, adulteration of other meats with, etc.	28014
narcotics—	
cultivation of lophophora	11540
“felony offense”: definition	11504, 11533
marijuana—	
cultivation, possession, etc.	11530, 11533
minors, employing of, in unlawful transportation, sale, etc.	11532, 11533, 11715.6
possession for sale	11530.5, 11533
transportation, sale, etc.	11531 to 11533
possession of narcotics other than marijuana	11500, 11500.5, 11504
soliciting, etc., of minors for violations	11502, 11502.1, 11532, 11715.6, 11715.7
transportation, sale, etc., of narcotics other than marijuana	11501 to 11504
felonies or misdemeanors: narcotic violations, certain	11503, 11540, 11557, 11715 to 11715.7, 11721
misdemeanors—	
air pollution control districts—	
entry and inspection, hampering, etc., of	24246
violations, generally	24253, 24277 to 24282
alcoholic beverages: refusal to present or falsification of “dump sheets”	26552
animals used for medical research, violation of provisions re	1673
atomic energy materials, etc., violation of licensing provisions re	25770

NOTE: See also preceding SUPPLEMENTAL INDEX.

CRIMES—Continued.	Section
misdemeanors—continued	
auto court and resort violations	18895
autopsies, performance of, without written authorization	7114
bakery violations	28254
bedding and sanitation violations	19500
biologics, violations of provisions re	1618
bird bands, violation of provisions re	2107
camp, organized, violation of provisions re	18897.4
canneries	28455
cancer, misrepresentation of devices, etc., for cure of	1714
cancer provisions, noncompliance with	1709
cemeteries—	
endowment care funds, misrepresentations re	8780
officers: unlawful loans, consent to, receipt of, etc.	8360
violations of provisions re	8746
cesspools, abandoned—	
failure to cover or fence securely	24400
removal of covering or fencing	24403
clinics and dispensaries, operation without license or in violation of rules and regulations	1234 to 1237
clothes cleaning establishments—	
aiding or abetting violations of provisions re	13452
violations of provisions	13450, 13451
cold storage violations	28160
communicable disease prevention and control, violations of provisions re	3350 to 3355
community land chest law violations	35108
construction site sanitary conditions, violations of provisions re	5416
cosmetics, adulterated or misbranded, violation of provisions re	26050
cups, common drinking, sanitary violations re	3704
dead bodies—	
arrest, attachment or detention	7053
autopsies, performance of, without written authorization	7114
disinterment and removal without permit	7556
disposal within corporate limits of any city, except in a cemetery	7054
interment or incineration without permit	7055
interment within corporate limits of any city, except in a cemetery	7054
removal of interred or cremated remains without permit	7055
transportation through streets or highways when disinterment without permit	7557
unclaimed dead: unlawful disposal, use or sale of	7208
drugs—	
dangerous, etc., drugs, violations re labeling of	25904, 26295
importing, etc., of adulterated, misbranded, or falsely advertised drugs	26281
quarantined drugs or devices, unauthorized sale or disposal of	26362
refusal to sell to agent or officer	26335
violations, generally	26295
earthquake protection, violations of regulations re	19170
excavations, abandoned—	
failure to cover or fence securely	24400
removal of covering or fencing	24403
explosives—	
abandonment or disposal, dangerous	12405
discharge within 500 feet of magazine or manufacturing plant	12401
magazines, unneeded, failure to remove, etc.	12405
sales, etc., records violations	12116
storage violations	12220, 12403 to 12405
theft or loss, failure to report	12405
transportation violations, certain	12306
unauthorized entrance into place where stored or manufactured	12400
unlawfully making, keeping or transporting	12402
fire companies in unincorporated towns: issuance of certificate of exemption to person not entitled thereto	14860
fire districts, local—	
ordinances, violations of	14108.5, 14109
personation of board members or officers	14109
fire extinguishers, violation of regulations re sales, etc., of	13169
fire protection districts (in one or more counties): violations of ordinances	14688
fire protection districts (law of 1961)—	
personation of board members or officers	13873
violations of orders to correct, etc., hazards	13873
violations of ordinances or codes	13871, 13873

CRIMES—Continued.

Section

misdemeanors—continued

fires—

allowing to escape	13000
disobeying lawful orders of public officer or fireman at burning of a building	13006
dropping lighted cigarettes, ashes, etc., where fire may be started	13001
hindering extinguishment of fires	13006
operating machines near grain, etc., without spark and carbon arresting device	13005
selling of nonstandard equipment	13028
throwing lighted cigarettes, ashes, etc., from moving vehicle	13002
using grain harvester without fire extinguishers	13004
using logging locomotive, threshing machine, etc., without spark arrester	13003
violating laws, orders, etc.	13112

fireworks violations	12800,	28801
----------------------	--------	-------

food processing establishments	28345
--------------------------------	-------

food sulphurs	28509
---------------	-------

foods—

importing adulterated or misbranded foods	26511
quarantined foods, unauthorized disposal, etc., of	26580.5
refusal to sell to or concealment from officer	26550
violations, generally	26519

frozen food locker plant provisions, violations of	28726
--	-------

frozen food violations	28186
------------------------	-------

garbage, refuse, etc., placing upon public places or private property	4476
---	------

gas illumination violations	19600
-----------------------------	-------

handicapped persons, establishments for: violations	1517
---	------

hazardous substances, violation of labeling provisions re	28761,	28770
---	--------	-------

health, public, failure to perform duty re preservation of	24800
--	-------

hospital districts, local, contracts, interest of officers or directors in	32108
--	-------

hospital violations	1417
---------------------	------

housing act violations	17900 to	17902
------------------------	----------	-------

housing authority confidential information, disclosure of	34283
---	-------

housing law, state, violations	17995
--------------------------------	-------

ice for human use or consumption—

inspection violations	4009
-----------------------	------

pollution and sale violations	4009
-------------------------------	------

industrial waste, discharge of, resulting in contamination	5461
--	------

inflammable articles, violations of rules or regulations re	19816
---	-------

life saving device violations	24004
-------------------------------	-------

mausoleums and columbariums—

owning or operating when illegally constructed	9676
--	------

violations, generally	9675
-----------------------	------

mobilehomes and mobilehome parks, violations of provisions re	18475
---	-------

mosquito abatement, interference with	2292
---------------------------------------	------

motor vehicle pollution control certified devices, violations re	24396
--	-------

narcotic offenders, violation of registration provisions by	11853
---	-------

narcotics—

addiction	11721
-----------	-------

examination of patients by state division, violations re	11104
--	-------

general penalty	11716
-----------------	-------

injunctions or orders for abatement of narcotic nuisances, disobedience to or violation of	11790
--	-------

prescriber's records, violations re	11227
-------------------------------------	-------

prescription blanks, unauthorized possession of	11166.05
---	----------

ocean water-contact sports, violation of rules and regulations re	24158
---	-------

olive oil	28488
-----------	-------

packing materials, unsanitary, packing with for delivery or transportation	3753
--	------

pest abatement, interference with	2803
-----------------------------------	------

pollution of navigable waters: vessels loaded with garbage	4401,	4402
--	-------	------

pollution of public places and private property	4476,	4485
---	-------	------

pollution of water supplies	4457
-----------------------------	------

public fishing in reservoirs, violations re	4467,	4471.3
---	-------	--------

quarantine of diseases—

exposure of person afflicted, by self or other person	3353
---	------

rules and regulations of state department, violations of	3350,	3354
--	-------	------

violations, generally	3350, 3351 to	3354
-----------------------	---------------	------

rabies control provisions, possessing animals in violation of	1909
---	------

radiation control law violations	25865
----------------------------------	-------

CRIMES—Continued.

Section

misdemeanors—continued

radiation sources, violation of registration provisions or rules and regulations re	25780,	25865
radioactive materials transportation: violations	25654,	25865
refuse cremation violations	4302,	4303
restaurant act violations		28692
rodent eradication violations		1813
sanitary districts (act of 1923), violations of regulations or ordinances of		6523
septic tanks, cesspools and seepage pit violations	24400,	24403, 25010
sewage, discharge of, resulting in contamination		5461
sewage disposal violations		5463
solvents, flammable: retail sales violations		13118
spotting, sponging and pressing establishments—		
aiding or abetting in violations of provisions		13727
violations of provisions	13725,	13726
swimming pool sanitation violations	24108,	24109
towels, common, sanitary violations re		3803
toys coated with certain paints and lacquers, etc., sale, etc., of		25896
tuberculosis examinations, violation of orders re		3351
vandalism		8101
venereal disease violations	3189,	3229
ventilation, fan exhaust system of, failure to maintain properly	16235,	16271
vessel loaded with garbage for disposal, failing to carry inspector on		4403
vital statistics—		
altering or falsifying records	10676,	10679
failure, neglect or refusal to perform duties	10677 to	10679
refusal or failure to give information, etc.	10675,	10679
water closets at construction job sites, violations of provisions re		5416
water supplies—		
pollution		4457
publicly owned domestic used for recreational purposes: violations of		
rules and regulations	4467, 4471.3,	4485
washing clothes in		4456
water systems for domestic use: violations	4031 to	4033
wiping rag business violations		3960
punishment of, public health department duties re		202

CRIMINAL IDENTIFICATION AND INVESTIGATION, STATE BUREAU OF.

narcotic offenders, powers and duties re registration of	11851 to	11853
--	----------	-------

CUPS, COMMON DRINKING.

auto courts and resorts		18791
mobilehome parks		18366
sanitary provisions—		
“common use” defined		3701
containers for drinking water, regulations re	3700 to	3704
enforcement		3703
places subject to		3700
violations		3704

CURTAINS, DRAPES, PORTIERS, ETC.: flame-retardant requirement for use in places of public assemblage

13119, 16713

CYSTIC FIBROSIS.

inclusion in crippled children services		250
---	--	-----

D**DAMAGES. See also PENALTIES, FINES, ETC.**

autopsies, exemption of coroners and physicians from liability re		7116
blasting caps: civil liability		12221
cemetery plot owner, vacation of plot of		8714
claims. See CLAIMS.		
fire districts, local: immunity of private firms performing mutual aid		14095
fire protection districts, county: immunity of private firms performing mutual aid		14455.5
fire protection districts (law of 1961): performance of mutual aid agreements		13855
funeral directors, liability of, for cremated remains		7112
housing, publicly assisted, discrimination in		35730
interment, breach of warranty re authorization for		7110
mosquito abatement districts		2270

DAMAGES—Continued.	Section
narcotic nuisance abatement proceedings.....	11784
pest abatement districts.....	2853
quarantine: compensation for property destroyed.....	3114
vandalism, recovery of damages for.....	8102
DANCE HALLS: flame-retardant requirement for drapes, curtains, etc.....	13119
DEAD BODIES. See also CEMETERIES; CEMETERY DISTRICTS, PUBLIC; CORONERS; DEATH REGISTRATION; FUNERAL DIRECTORS; MAUSOLEUMS AND COLUMBARIUMS.	
autopsies.....	7113 to 7116
"burial" defined.....	7013
costs of interment, liability for.....	7100, 7101, 7104
custody, and duty of interment—	
authorization for interment.....	7111
cemetery authorities, liability of, re authorized interment.....	7111
coroner, when entitled to custody.....	7102
costs of interment, liability of decedent's estate for.....	7101
court order directing where failure, refusal, neglect, or no person residing in state vested with duty.....	7105
decedent's instructions re disposition.....	7100
failure to perform duty of interment.....	7103, 7105
family plot and memorial, as part of funeral expenses chargeable against decedent's estate.....	7101
generally.....	7100 to 7112
indigents, responsibility for interment of.....	7104
"interment" defined.....	7009
who has.....	7100, 7104
definitions.....	7000 to 7024
disinterment and removal—	
all remains—	
cities and cities and counties over 100,000—	
cemetery authorities, removal by.....	7850 to 7852
declarations of intention by cemetery authorities.....	7725, 7726
funds, use of.....	7925 to 7933
lands, disposal of.....	7900 to 7905
lands, reservation of, for erection of, mausoleum or columbarium, etc.....	7905
notices of intention.....	7735 to 7739
notices, special, to relatives or friends.....	7750 to 7754
permit fees.....	10610
powers of municipalities.....	7700, 7701
reinterment: new lands, mausoleums or columbariums for.....	7950 to 7955
relatives or friends, removals by.....	7800 to 7805, 7928
religious observances.....	7980
taxation for reinterment.....	7975
cities of 1,500-100,000.....	7600
counties—	
conditions, prerequisite.....	8000
declaration of abandonment.....	8001
property, subsequent use of.....	8005
reinterment.....	8003, 8004
removal by friends or relatives.....	8002
application to superior court for permission in absence of required consent.....	7526, 7527
consent to removal.....	7525 to 7528
order of court or coroner.....	7528
permits, generally.....	7500 to 7502, 10384
same cemetery.....	7528
unpaid plot, removal from, by cemetery authorities.....	7528
disposition, permits for.....	7024, 10375 to 10384
embalming—	
crimes, bodies of apparent victims of.....	7301
transportation, preparation of bodies for.....	7355
unknown causes, bodies of persons dying from.....	7300
general provisions.....	7051 to 7055
interment. See subheading, <i>custody, and duty of interment</i> , above.	
permits for disposition.....	7024, 10375 to 10384
quarantine of diseases: possession or control by state department of public health.....	3053
therapeutic services, disposition of body to, etc.....	7100, 7115
transportation.....	7355, 10380

DEAD BODIES—Continued.**Section**

unclaimed dead—	
burial of body becoming unfit for educational purposes	7207
educational purposes, use for	7202 to 7204, 7206, 7207
institutions, public, duties re notice to relatives and to state department	7200
medical history, transmission of, to state department	7201
post mortem examinations	7205, 7206
records, permanent—	
educational purposes, receipt for	7204
state department of public health	7201
unlawful disposal or use of body	7208

DEATH CERTIFICATES. See DEATH REGISTRATION.**DEATH REGISTRATION. See also VITAL STATISTICS; VITAL STATISTICS REGISTRAR, STATE; VITAL STATISTICS REGISTRARS, LOCAL.**

central records depository	10060.5
death certificates—	
accidental, suicidal, or homicidal deaths	10250 to 10252
amendments	10006, 10400 to 10404, 10410, 10411
certified copies	10557, 10558, 10575 to 10577, 10579
contents	10190, 10275, 10410
deaths during continued absence of attending physician	10250 to 10252
deaths from unknown causes	10250 to 10252
deaths without medical attendance	10185, 10186, 10250 to 10252
delayed certificates	10550 to 10558
fetal deaths	10176 to 10190, 10400 to 10404
general provisions	10201 to 10275
inspection	10066
requisites	10004
transcripts	10580
unidentified persons, procedure on identification of	10410, 10411
duty of registering	10000, 10175, 10176, 10200 to 10205
unidentified persons, procedure on identification of	10410, 10411

DENTAL CARE: indigents 1445**DENTAL HEALTH, DIVISION OF.**

chief: appointment	351
organization, powers, duties, etc.	350 to 356

DENTISTS AND DENTAL HYGIENISTS.

clinics	1200.5
employment by—	
cities	700, 701
counties	702, 703
hospital districts, local	1200.5
narcotic prescriptions	11000, 11161, 11500, 11501, 11570, 11571

DEPARTMENT OF ———. See subject (e.g. PUBLIC HEALTH, STATE DEPARTMENT OF).**DETENTION FACILITIES: inspection of sanitary conditions 459****DIMENSIONS. See also HOUSING ACT, STATE.**

auto courts and resorts—	
ceiling heights, etc.	18664, 18683, 18794
floors	18663, 18666, 18795
water closet compartments	18776
windows	18677, 18683
cross-bridging: apartment and hotel wooden floor joists	17267
doorways	16105
fireproofing materials on structural steel or iron	17282
floors, auto camp	18402
footings, foundations, joists, studding, girders, columns, etc.	17256, 17321
foundation walls, wooden building	17322
gas appliance vents	16900 to 16904
hallways	16100, 16101
joist supports	17267
lumber	17268, 17269

DIMENSIONS—Continued.		Section
mobilehome parks—		
mobilehome lots	18276 to	18278
toilet compartments		18352
window area	18358,	18361
plasterboard	17340,	17341
rooms, generally	16050 to	16063
studs used in apartment houses or hotel bearing walls		17260
vent shafts	16823 to 16825,	16827, 16831
vents, gas appliance	16900 to	16904
windows. See WINDOWS AND SKYLIGHTS.		
yards and courts. See YARDS AND COURTS.		
DIRECTOR OF _____.	See subject (e.g. FINANCE, STATE	
DIRECTOR OF).		
DISASTER OFFICE, CALIFORNIA, DIRECTOR OF: atomic energy development and radiation protection, departmental co-ordinating committee on, member of		25750
DISCRIMINATION.		
community redevelopment projects	33049, 33050,	33071
housing, publicly assisted	33049, 33050, 33071, 35700 to	35741
DISEASES. See also COMMUNICABLE, CONTAGIOUS, AND INFECTIOUS DISEASES; QUARANTINE OF DISEASES; RABIES; TUBERCULOSIS; VENEREAL DISEASES.		
cancer, regulation of drugs, treatment, etc., re	1700 to	1721
cystic fibrosis: inclusion in crippled children services		250
phenylketonuria: inclusion in crippled children services		250
poliomyelitis immunization for school pupils	3380 to	3387
DISINFECTION, CLEANING, ETC.		
packing materials		3751
restaurant act, California	28540 to	28682
towels, common		3801
DISPENSARIES. See CLINICS AND DISPENSARIES.		
DISTRICT ATTORNEYS. See also ATTORNEY GENERAL; ATTORNEYS; ATTORNEYS, CITY; CRIMES.		
auto court and resort nuisances, abatement of	18551,	18552
biologic violations prosecutions		1621
cancer provisions, cooperation in enforcement of		1717
cannery violations, prosecution of		28443
clinic, etc., violations, prosecution of		1237
clothes cleaning establishment violations	13451,	13454
drug violation prosecutions		26384
drug violations by persons residing out of state, notice to United States attorney general re		26303
food processing violations, prosecution of		28297
food violation prosecutions		26604
food violations by persons residing out of state, notice to United States attorney general re		26527
handicapped persons, establishments for: prosecution of violations		1517
hospital districts, local, duties re		32121
hospital violation prosecutions		1420
mobilehome park nuisances, abatement of		18102
narcotic violation prosecutions		11680
quarantine violation prosecutions		3355
rodent eradication liens, actions to foreclose		1810
sanitary districts (act of 1923), duties re		6492
spotting, sponging, and pressing establishments, violations of provisions re	13726,	13729
tuberculosis examination order violations: prosecutions		3355
venerel disease violation prosecutions		3196
vital statistics violations, duties re		10028
DISTRICT INVESTIGATION ACT [LAW] OF 1933.		
applicability to—		
fire protection districts, county		14405
fire protection districts in one or more counties		14603
fire protection districts (law of 1961)		13809

NOTE: See also preceding SUPPLEMENTAL INDEX.

DISTRICT INVESTIGATION ACT [LAW] OF 1933—Continued.

applicability to—continued	Section
local fire districts	14011
mosquito abatement districts	2206
sanitation districts, county	4704
sewage disposal districts, regional	5949
sewerage and water districts, county	5504

DISTRICT ORGANIZATION LAW: applicability to local hospital districts
32002, 32100.8

DISTRICTS. See names of districts (e.g. SANITATION DISTRICTS, COUNTY).

DIVORCE.
decrees, filing reports of 10000, 10360

DOCTORS. See PHYSICIANS.

DOGS. See also ANIMALS.

auto courts and resorts, prohibition against dogs running at large in	18878
guide dogs, quarantine of	1919
mobilehome parks, prohibition against dogs running at large in	18252
rabies control	1900 to 1921
taxes, license taxes and special license taxes	1911 to 1914

DOORS.

apartment houses or hotels	16105
fire escapes	16526, 16560 to 16562
fireproof buildings	17284
food vending vehicles	28641
locking appliances	16730
mobilehome parks, bathing facilities in	18356
penthouses	16418, 16422
semifireproof buildings	17302
shafts	16775
sink closures	17584

DORMITORIES.

definition	15013
generally	17151 to 17157

DRINKING FOUNTAINS.

auto courts and resorts	18792
-------------------------	-------

DRUG ADDICTS. See NARCOTICS—*addicts*.

DRUGS AND DEVICES. See also COSMETICS; FOOD AND DRUG INSPECTIONS, BUREAU OF; NARCOTICS.

access of state board of health agents to drug manufacturing establishments, etc.	26294, 26330
adulterated drugs or devices—	
adulteration prohibited	26285
condemnation proceedings	26365 to 26369
cosmetics	26001 to 26022, 26041 to 26051
destruction upon court order	26367
determining factors	26230 to 26235
hearings by state board of public health	26340 to 26342
importation, etc., a misdemeanor	26281
manufacture, sale, advertising, keeping, etc., prohibited	26280, 26281
possession, sale, or offering for sale, prima facie evidence of violations	26293
prosecutions, generally	26295 to 26303
public health department, powers and duties re	201
release proceedings	26366.5
reprocessing upon court order	26368, 26369
seizure and quarantine	26360 to 26369
advertising, false or misleading—	
determining factors	26208, 26270 to 26273
dissemination, liability for	26275
dissemination prohibited	26272, 26286
distributors, refusal to disclose names of	26275
importation, etc., a misdemeanor	26281
inspection of suspected premises	26327
publishers, agents, radio-broadcast licensees, etc.: liability	26275
quarantine of falsely advertised drugs or devices	26360
samples, taking of, etc., for purposes of determination	26328, 26336

DRUGS AND DEVICES—Continued.**Section**

antiseptic, representation as	26210
cancer diagnosis, treatment, etc.	1700 to 1721
coloring	26217, 26235
containers and packages—	
dangerous drugs, etc., labeling of	25900 to 25905, 26244, 26247, 26254, 26255
fills, misleading	26249
forms, misleading	26249
“immediate container”	26206
“package,” defined	26214
poisonous or deleterious substances, containers composed of	26235
contents, labeling of	25900 to 25905, 26244, 26247, 26254, 26255, 26288, 26292
dangerous drugs, etc., labeling of	25900 to 25905, 26244, 26247, 26254, 26255
devices, what are	26202
drugs, what are	26200, 26201
enforcement of regulations—	
generally	26321 to 26385
public health, state board of, powers and duties of	26324
factories, warehouses, etc.—	
guaranties	26296 to 26303
inspections	26294, 26327, 26330
general provisions and definitions	26200 to 26216
guaranties against adulteration or misbranding—	
contents	26300
general guaranties	26297, 26298
generally	26296 to 26303
prosecutions for violations, avoidance of, by guaranties	26296
special guaranties	26299
habit-forming drugs, labeling of	26254, 26255
hearings of state department re adulteration or misbranding	26340 to 26342
homeopathic drugs, requirements re	26232, 26246
homeopathic pharmacopoeia, United States, drugs subject to requirements of	26232, 26246
imitations	26249
information, dissemination of, by state board of public health	26333, 26334
investigational use	26292
laboratory, state, for analyses and examinations	26558
minor violations	26332
misbranded drugs or devices—	
cosmetics	26001 to 26012, 26031 to 26051
destruction upon court order	26367
determining factors	26208, 26240 to 26255
exemptions, regulations establishing	26241, 26244
hearings by state board of public health	26340 to 26342
importation, etc., a misdemeanor	26281
labels—	
alteration, mutilation, destruction, or obliteration resulting in misbranding	26283
forging, counterfeiting, or falsely representing	26284
manufacture, sale, advertising, keeping, etc., prohibited	26280, 26281
misbranding prohibited	26285
prescriptions, exemption of	26252
prosecutions, generally	26295 to 26303
rebranding upon court order	26368, 26369
seized or quarantined: condemnation proceedings	26365 to 26369
seized or quarantined: release proceedings	26366.5
small packages, exemption of, from regulations	26241
tagging or marking	26360, 26369.5
narcotics addiction, use in testing for	11722, 11723, 11728, 11730
new drugs or devices—	
applications for permits to sell, etc.	26288 to 26292
cancer treatment, etc., use for, by enjoined persons	1713
definition	26211
pharmacopoeia, United States, drugs subject to requirements of	26232, 26246
prescription, definition of	26211.5
professions, healing, dissemination to	26272
prohibitions, generally	26280 to 26303
public health department powers and duties re	201, 202
purity, standard of	26320

NOTE: See also preceding SUPPLEMENTAL INDEX.

DRUGS AND DEVICES—Continued		Section
regulations, promulgation of, by state board of public health	26321 to	26323
relabeling or reprocessing upon court order	26368,	26369
sales—		
adulterated or misbranded drugs or devices	26280 to 26282, 26293, 26295, 26328, 26337, 26338,	26362
agents, refusal to sell to	26328,	26335
new drugs or devices	26288 to	26292
sulfanilamide, drugs containing		26271
venereal diseases, drugs for cure or treatment of		26271
samples, examination of, re violations		26324
samples, obtaining of, by sheriff or agents	26326 to 26330, 26380,	26381
seized or quarantined: condemnation proceedings	26365 to	26369
seized or quarantined: release proceedings		26366.5
seizure and quarantine of adulterated or mislabeled drugs	26361 to	26369
self-medications		26273, 26274
sulfanilamide, sale of drugs containing		26271
venereal disease drugs, etc., prohibition of sale, etc., without written order of physician		26271
violations, prosecutions of—		
generally	26295 to	26303
quaranties, avoidance by	26296 to	26303
persons residing out of state: notice by district attorney to attorney general of United States		26303
vitamins		26200.5

DRY CLEANING. See CLOTHES CLEANING ESTABLISHMENTS.

DWELLINGS. See also HOUSING ACT, STATE; HOUSING LAW, STATE.

animals or poultry, keeping in or near	17817
--	-------

E

EARTHQUAKE PROTECTION.

design and construction, building	19150,	19151
enforcement of provisions	19120 to	19124
ordinances	19101,	19122
permits and fees	19130,	19138
scope and application of provisions	19000, 19100,	19101
violations of provisions		19170

EDUCATION, STATE DEPARTMENT OF: state fire marshal, duties re rules and regulations of	13143
--	-------

EDUCATION, STATE DIRECTOR OF: atomic energy development and radiation protection, departmental co-ordinating committee on, member of	25750
--	-------

EDUCATIONAL INFORMATION. See PUBLICATIONS, EDUCATIONAL INFORMATION, ETC.

EGGS: advertising cold storage eggs as fresh	23150
--	-------

ELECTIONS.

cemetery districts, public: formation	8930 to	8941
fire districts, local—		
annexation of territory		14215
board members	14051 to 14055, 14057 to 14060, 14239,	14280
bonds, issuance of	14166 to 14168,	14307
consolidation		14233, 14239
dissolution	14216, 14253,	14254
exclusion of territory		14215
generally	14131 to	14136
recall of board members		14067
reorganization		14279
fire protection districts, county—		
bond elections	14495 to	14495.5
contracts with cities, termination of		14408
dissolution	14584 to	14594
formation	14425 to	14432
withdrawal of territory upon inclusion within city	14540,	14541

ELECTIONS—Continued.

Section

fire protection districts in one or more counties—	
annexations	14744 to 14750
board members	14625, 14633, 14637, 14654 to 14660
dissolution, generally	14762 to 14764
formation	14630 to 14640
precincts	14623, 14624
withdrawal to form new district	14784 to 14791
fire protection districts (law of 1961)—	
bond elections	13918 to 13923
consolidated	13956
directors	13831, 13833, 13834, 13836 to 13839, 13894, 13977, 13984
dissolution	13965, 13966
formation	13825, 13832, 13896
generally	13891 to 13896
recall of board members	13846
withdrawal of territory upon inclusion within city	13952, 13953
fire protection districts, metropolitan: bond issuance	14345 to 14350
garbage disposal district formations	4110 to 4112
health districts, local—	
annexations	959 to 962
dissolution	967 to 970
formation	914.5, 914.6
hospital districts, local—	
annexations	32004, 32004.4 to 32004.6
bond elections	32301, 32302
consolidation with memorial district	32490.3, 32490.4
dissolution	32006
exclusion of territory	32004.7, 32479
formation	32003
generally	32002 to 32002.4, 32100.5, 32100.8, 32109
new construction: authorization	32221
recall	32100.6
special assessment authorization	32241 to 32243
zone directors	32433, 32482
mosquito abatement districts—	
additional funds, tax for	2303 to 2307
dissolution	2390 to 2392
rat extermination, additional funds for	2290
police protection districts in unincorporated towns—	
annexation	20055 to 20056
commissioners, board of	20062 to 20067
formation	20034, 20040 to 20047
police departments, elections re establishing and equipping	20101 to 20107
property, elections re acquisition and disposal of	20073, 20075, 20076
uncontested elections, appointments in lieu of	20063.1
sanitary districts (act of 1923)—	
annexations	6625 to 6629, 6847 to 6850, 6854, 6855
assessor	6494, 6580 to 6593
board members—	
appointment where election uncontested	6588.1
election	6485, 6580 to 6593
recall	6489.5
bond elections	6610 to 6613, 6642 to 6644.1
consolidation	6893
dissolution	6900
formation	6446 to 6466
generally	6560 to 6568
officers: appointment where election uncontested	6588.1
officers: election	6580 to 6593
sanitation districts, county—	
annexations	4831.7
bond elections	4764, 4780 to 4786.5, 4794, 4794.5, 4795, 4809 to 4809.2
bonded indebtedness, assumption of, by annexed territory	4831.7
city withdrawals	4845.06 to 4845.09
consolidation	4726, 4727
construction funds, surplus: use for other purposes	4793.1
dissolution	4851, 4852
formation	4715 to 4717
improvement district bond elections	4764, 4809 to 4809.2
refuse transfer or disposal facilities, use of certain lands for	4741
reorganization as community services district	4857.5, 4858.5

NOTE: See also preceding SUPPLEMENTAL INDEX.

ELECTIONS—Continued.**Section**

sanitation districts, county—continued.	
reorganization as sanitary district	4857, 4858
unincorporated territory withdrawals	4845.21 to 4845.24
sewage disposal districts, joint municipal—	
bond elections	5770.02 to 5770.07, 5770.17 to 5770.25
formation	5720 to 5720.15
generally	5760 to 5760.04
revenue bond elections	5790 to 5790.33, 5820.01, 5820.12
sewer districts, municipal: bond issues	4614.12, 4615 to 4617, 4619
sewer revenue bonds: proposed work and bond issuance	4975 to 4979
sewerage and water districts, county—	
bond elections	5580 to 5586
dissolution of district	5650 to 5653
formation	5515 to 5517
withdrawal of city	5645.06 to 5645.1, 5645.13
withdrawal of unincorporated territory	5645.21 to 5645.28
water supplies, publicly owned domestic, determination of recreational use of	4470.2, 4470.4

ELECTRICITY. See ILLUMINATION.**EMBALMING.** See DEAD BODIES.**EMINENT DOMAIN.**

exercise by—	
cemeteries	8715
community redevelopment agency	33237, 33267.2, 33277, 33700, 33708, 33736
fire districts, local	14092
fire protection districts (law of 1961)	13852
garbage disposal districts	4120
health districts, local	936
hospital districts, local	32121
limited dividend housing corporations	34874 to 34879
mosquito abatement districts	2270
pest abatement districts	2853
sanitary districts (act of 1923)	6514
sanitation districts, county	4740, 4760
sewage disposal districts, joint municipal	5740.01, 5740.06
sewage disposal districts, regional	5991, 5998, 6007
sewer maintenance districts	4886
sewer revenue bonds, districts issuing	5001, 5008

EMPLOYER AND EMPLOYEE. See CLINICS AND DISPENSARIES; COMPENSATION, SALARIES, WAGES; OFFICERS AND EMPLOYEES, PUBLIC.**ENDOWMENT HOSPITALS**-----32500 to 32508**EPIDEMICS:** reports by health officers-----3121**EPILEPSY:** reports-----410**EQUALIZATION, STATE BOARD OF.**

orders changing names of mosquito abatement districts	2226
resolutions creating regional sewage disposal districts	5948
resolutions declaring withdrawal of mosquito abatement district territory included within city	2351

EVIDENCE.

air pollution control districts: admissibility of resolution declaring need in any proceeding	24207
auto court and resort violations	18552
bay area air pollution control district: judicial review of board decisions, admissible evidence in	24368.5
birth, establishment of record of	10520 to 10523, 10551, 10556
cemeteries, removal of all remains from: conveyance, made after filing of cemetery authority's declaration re removal, conclusive evidence of removal in favor of grantee or mortgagee	7904
cemetery districts, public—	
formation hearings—	
finding in favor of genuineness and sufficiency of petition final and conclusive except against state	8923
finding that due notice of hearing has been given final and conclusive except against state	8923

EVIDENCE—Continued.**Section**

clothes cleaning establishments—	
fire doors: compliance with best practice re construction, hanging, etc.—	13372
violations of provisions, evidence relating to: submission of, to district attorneys by state fire marshal—	13728, 13453
communicable disease prevention and control orders, etc., service of, by registered or certified mail—	3002
drugs—	
adulterated drugs: possession, sale, or offering for sale, prima facie evidence of violations—	26293
certificates of division of laboratories or bureau of food and drug inspections re adulteration or misbranding, prima facie evidence of facts stated therein—	26339
misbranded drugs: possession, sale, or offering for sale, prima facie evidence of violations—	26293
fire companies in unincorporated towns: certificates of exemption or active membership, prima facie evidence of facts stated therein—	14840
foods, adulterated or misbranded—	
certificate certified by chief of bureau of food and drug inspections, prima facie evidence of facts therein stated—	26563
certificate certified by chief of division of laboratories, prima facie evidence of facts therein stated—	26563
possession, sale, or offering for sale: prima facie evidence of violation—	26518
garbage disposal districts—	
formation: order of, conclusive evidence of regularity of all prior proceedings, except adoption and publication in full of resolution of intention, and of fact of hearing—	4112
health districts, local: formation hearing findings conclusive except against state—	917
limited dividend housing corporations: eminent domain proceedings: certificate of authorization conclusive evidence of matters certified therein—	34878
mosquito abatement district formation proceedings: findings, conclusive evidence of genuineness and sufficiency of petition and notice, except against state—	2222
narcotics—	
obtaining of drugs and other evidence by chief of division of enforcement	11106
physician of division of narcotic enforcement, testimony of, not privileged	11104
prescribers' receiving of or possessing of greater amount than records indicate, prima facie evidence of guilt of violation of regulations—	11227
vehicle not used for unlawful transportation, etc.—	11619
vehicle transporting narcotics, holding of, as evidence until forfeiture declared or release ordered—	11611
presumptions. See PRESUMPTIONS.	
sanitary districts (act of 1923)—	
annexations by elections—	
entry approving petition, conclusive evidence of the fact and regularity of all prior proceedings and of facts stated in entry—	6851
entry of order canvassing elections, conclusive evidence of fact and legality of all prior proceedings and facts stated in entry—	6629
order calling election, conclusive evidence of proper petition and of proper signing thereof—	6849
order of annexation, conclusive evidence of validity of all prior proceedings leading to annexation and recited in order—	6853
bond elections: entry of returns, conclusive evidence of fact and regularity of all prior proceedings, and of facts stated in entry—	6613
formation election, order calling, conclusive evidence of proper petition and proper signing thereof—	6448
sanitation districts, county: consolidation, order of, as conclusive evidence of certain prior proceedings—	4727
sanitation districts, county: formation, order of, conclusive evidence of regularity of all prior proceedings, except adoption and publication in full of resolution of intention and of fact of hearing—	4718
sewerage and water districts, county: formation, order of, conclusive evidence of regularity of all prior proceedings, except adoption and publication in full of resolution of intention and fact of hearing—	5518
spotting, sponging and pressing establishment violations: submission of evidence to district attorneys by state fire marshal—	13728
venereal disease prosecutions, admissibility of confidential communication in	3197

NOTE: See also preceding SUPPLEMENTAL INDEX.

EVIDENCE—Continued.**Section**

vital statistics—	
administrative procedure to establish birth record	10510, 10520 to 10523
court proceedings to establish records	10551, 10556
delayed birth certificates, use of, in certain actions	10501
records, certain, certified copies of, as prima facie evidence of facts stated therein	10577

EXCAVATIONS, ABANDONED	24400 to 24403
-------------------------------	----------------

EXECUTION.

cemetery funds, exemption of	7925
cemetery property, exemption of	8561
community redevelopment agencies, exemption of	33017

EXPECTORATING: food processing establishments	28293
--	-------

EXPENDITURES.

community redevelopment agencies: school district services, etc.	34602
disinterment and removal of all remains from cemeteries of cities or cities and counties over 100,000	7925 to 7930
elderly persons low rent housing finance committee, expenses of	36002
fire marshal, state	13111.1
fire protection districts, county—	
capital outlay funds	14480.8, 14492
donated funds	14452
fire protection districts (law of 1961)—	
election expense	13896
emergencies	13910
garbage disposal district funds remaining after dissolution for highway maintenance and repair	4163
health administration contracts, local: payment of services	482 to 485
health districts, local	944
hospital districts, local: facilities, etc., acquisition of	32127.1, 32135, 32221
laboratories, municipal and county, establishment and maintenance costs of	1001
medical facilities, county	1441 to 1445, 1447 to 1454, 1475
mosquito abatement districts	2283, 2284
narcotic enforcement, division of, for obtaining evidence	11106
narcotic prosecutions, expenses of, payment by chief of division of narcotic enforcement	11680
physically handicapped children: gifts, legacies, etc., received for	258, 264
police protection districts (unincorporated towns): real property purchases	20075, 20076
public health federal fund	117
rabies control, county or city	1917, 1918
rodent eradication	1805, 1807 to 1809
sanitary districts (act of 1923): emergency expenditures for work	6515.5
sanitation districts, county—	
construction fund	4793
federal lands, districts in	4764.2
sanitation or sewerage system revenues	4764.2, 5471, 5474.9, 6515.1, 6515.5
sewer districts (act of 1899)	4664, 4665, 4665.5
sewer revenue bonds: damage to public ways or public works by districts issuing	5007

EXPLOSIVES. See also FIREWORKS.

abandonment or disposal, dangerous	12404, 12405
blasting caps	12150.5, 12221, 12301.5
chiefs: designation for enforcement of provisions	12000.5
clothing, materials, etc., explosive	19810 to 19816
definitions and general provisions	12000 to 12006, 12350
exemptions from regulatory provisions	12006, 12100, 12152, 12153, 12175, 12300
fire marshal, state, powers and duties of	12000, 12000.5, 12004.5, 12005, 12102, 12104 to 12106, 12109, 12111.5, 12301.5
fireworks, exemption of, from regulatory provisions	12006
gunpowder—	
permits to receive	12107
sale or other disposition	12100
illegal use or possession	12350 to 12354
lawful possession: definition	12351
permits to receive	12000.5, 12100, 12101 to 12108, 12109.5, 12111.5, 12115
public utilities commission, rules and regulations of	12004, 12004.5

EXPLOSIVES—Continued.		Section
rules and regulations re keeping and storing of, powers of supervisors to make	-----	851
sale or other disposition	-----	12100 to 12118
signs	-----	12113, 12114, 12211, 12303, 12404, 12405
solvents, flammable—		
clothes cleaning establishments	-----	13397 to 13402
retail sales	-----	13118
storage—		
general provisions	-----	12150 to 12153
magazines of the first class	-----	12170 to 12190
magazines of the second class	-----	12210 to 12212
magazines of the first and second classes: removal, etc., when unneeded	-----	12404
suspension of certain requirements	-----	12111.5
theft or loss, reporting of	-----	12403, 12405
transportation 12002, 12100, 12105.5, 12108, 12113, 12114, 12300 to 12306,	-----	12402
waiver of certain requirements	-----	12111.5
EYE BANKS: disposition of body to	-----	7100, 7115

F

FAUCETS.

apartment houses and hotels	-----	17585
auto courts and resorts	-----	18790
mobilehome parks	-----	18365

FEES. See also COMPENSATION, SALARIES, WAGES, ETC.

air pollution control districts—		
permits	-----	24267, 24268
variances, applications for	-----	24293, 24294
animals used for medical research, persons keeping: public health certificates of approval	-----	1676, 1677
audiometrists, school, registration of	-----	1686
auto courts and resorts	-----	18600.1 to 18604
bay area air pollution control district—		
applications for variances	-----	24365.2, 24365.3
hearing board proceedings, transcripts of records of	-----	24368.4
biological laboratory licenses	-----	1609, 1612
bird bands, manufacturer selling or marketing	-----	2106
building permits, certificates of final completion, etc.	-----	15153, 19132 to 19132.9
canneries	-----	28411
cemeteries, private: setting of markers, etc.	-----	8276
cemetery maps, filing of, by county recorder	-----	8556
clinics and dispensaries licenses	-----	1229
cold storage warehouse licenses	-----	28126, 28127
county medical facilities	-----	1473, 1474
dead bodies, permits for disinterment and removal of	-----	7501
dogs—		
licenses	-----	1920
vaccination in rabies areas	-----	1920
drug enforcement services by sheriffs	-----	26382, 26383
fire extinguishers, licenses for selling, etc., of	-----	13163, 13164, 13166
flame-retardant chemicals and materials approval	-----	13127, 13130
food violation services by sheriff	-----	26602, 26603
frozen food locker plant license fees	-----	28702
handicapped persons, establishments for: licenses	-----	1504
health officers, local, enforcing state statutes, etc.	-----	510
hospital licenses	-----	1403
housing, commission of	-----	34910
housing, division of	-----	17921
housing for the elderly, building permits for	-----	19900
laboratories, biological, licenses for	-----	1609, 1612
mobilehome parks	-----	18200 to 18204, 18207
mobilehomes: regulation of sales	-----	18371
narcotic nuisance abatement orders, fees for removing and selling movable property under	-----	11793

NOTE: See also preceding SUPPLEMENTAL INDEX.

FEES—Continued.

Section

official services without fee—		
fire protection districts (in one or more counties): filing of resolutions by county recorders		14816
limited certificates for school and employment purposes		10581
United States public health service, furnishing of transcripts of vital statistics records to		10580
verification of birth date and place		10582
radioactive materials, devices, etc.	25816, 25817,	25840
sanitation and sewerage systems	4764.2, 5470 to 5474.10, 6520.2,	6520.5
sanitation districts, county: public use of private facilities		4742.3
sheriffs—		
drug enforcement services		26382, 26383
food violation services		26602, 26603
slaughtering, etc., of horses or mules, licenses for		28013
vital statistics records—		
accounts		10600
birth certificate, new		10461, 10611
certified copies		10605
court order delayed birth certificate, petition for filing		10554
delayed birth registration	10530, 10531,	10612
deposits		10601, 10602
disinterment permits		10610
limited certificates for school and employment purposes		10581
search		10606, 10607
surname of child, registration of change in		10461, 10611
transcripts for United States public health service		10580
verification of date and place of birth		10582
walnut processing establishment license		28338
water supplies, domestic, recreational use of	4054, 4465, 4471,	4471.2

FELONIES. See CRIMES.

FILING. See RECORDING, FILING, ETC.

FINANCE, STATE DEPARTMENT OF. See also FINANCE, STATE DIRECTOR OF.

approvals—		
claims against division of narcotic enforcement		11106
gifts, acceptance of, by state director of public health		213
public health federal fund, expenditures from, etc.		120
housing authorities, audit of funds of		34327.6
housing for the elderly, division of: creation		35810
vehicles forfeited for transporting narcotics, duties re	11624 to 11626,	11628

FINANCE, STATE DIRECTOR OF. See also FINANCE, STATE DEPARTMENT OF.

approvals—		
atomic energy development and radiation protection, co-ordinator of: compensation of employees		25730
radioactive materials, etc., fees and fund distribution re	25816,	25817
atomic energy development and radiation protection, co-ordinator of: fixing compensation		25730
atomic energy development and radiation protection, departmental co-ordinating committee on: membership		25750
building standards commission, state, chairman of		18900
flood relief redevelopment law, duties under provisions of	34001 to	34009
housing for the elderly law—		
elderly persons low rent housing finance committee: membership		36000
loans, determination of amount of		35940

FINES. See PENALTIES, FINES, ETC.

FIRE ADVISORY BOARD, STATE 12503, 12555, 13140 to 13146.5

FIRE ALARM SYSTEMS: installation in children's homes, sanitariums, etc. 13113, 13114

FIRE COMPANIES IN UNINCORPORATED TOWNS.

certificates of exemption or active membership	14839, 14840, 14856 to	14860
chiefs, duties of	14841 to	14845
exemptions of officers and members	14855 to	14860
ordinances, duties of fire chiefs re		14842

FIRE COMPANIES IN UNINCORPORATED TOWNS—Continued		Section
organization	14825	to 14830
powers and duties, generally	14835	to 14845
secretaries, duties of	14837	to 14839
FIRE DEPARTMENTS.		
designation of "chief" for enforcement of provisions re explosives		12000.5
fire protection districts (law of 1961) : reorganization as district	13975	to 13989
FIRE DISTRICTS, LOCAL.		
accidental death and injury insurance		14100
ambulances, purchase and maintenance of		14093
annexation of territory	14211, 14213, 14215, 14215.5,	14222
board of fire commissioners—		
election, terms, etc.	14051	to 14067, 14102
powers and duties, generally	14091	to 14115
recall		14067
bonds—		
election resolution		14166, 14167
issuance, sale, etc.	14169	to 14176, 14307
boundaries	14014, 14015, 14225	to 14229, 14273, 14276
civil service system		14096
claims against district		14163.5, 14164
consolidation—		
board members: appointment, election, terms, etc.	14235	to 14240, 14280
generally	14231	to 14242
continuation under fire protection districts law of 1961		14022
contracts—		
city acquisition of fire fighting implements, etc.		14202
fire protection service		14201
generally		14092
governmental agencies, contracts with		14095
group hospital service	14099,	14100.1
mutual aid agreements		14095
with other governmental agencies		14095
definitions and general provisions	14001	to 14022
dissolution—		
authorization		14251
bonded indebtedness, liability for		14257
community services districts, vesting of property in		14255
county, use of property or funds by		14256
election	14216, 14253,	14254
funds, etc., division of		14255.1
petition		14252
resolution		14258
tax, property subject to		14257
district investigation act of 1933, exemption from provisions of		14011
elections. See ELECTIONS.		
employees—		
blanketing into employment of consolidated district		14242
civil service system		14096
indemnity bonds		14097
reorganization, effect of		14280
exclusion of territory	14214, 14215	to 14217, 14221
existing districts	14001, 14012, 14017	to 14019, 14022
fire marshal, state: study and report on laws re formation and organization		
of districts		14020
fire prevention codes, adoption of, by reference		14108.5
fire protection zones, special	14301	to 14307
firemen's training program		14114
formation—		
exemption from provisions of district investigation act of 1933		14011
petition	14010, 14041	to 14044
prohibition against		14022
funds—		
consolidation of districts, succession on		14241
dissolution of districts, division on		14255.1
vesting in community services district on dissolution		14255
withdrawal of territory, division on		14219
land clearance		14106
lease or rental of private vehicles or equipment		14098
name, change in		14115

FIRE DISTRICTS, LOCAL—Continued.**Section**

ordinances	14064, 14096, 14107 to 14110,	14283
peace officer powers		14108.6, 14111
property—		
disposition upon withdrawal of territory		14219
exclusion of territory, effect of		14217
reorganization, effect of	14281,	14282
tax exemption in withdrawn or excluded territory		14221
title, effect of reorganization upon	14281,	14282
vesting upon dissolution in community services district		14255
records		14105
reorganization—		
alternative procedure by election		14279
authorization		14271
boundaries	14014, 14273, 14276 to	14278
effect	14278 to	14285
fire departments	14271 to	14285
hearing	14274,	14275
petition	14272 to	14275
short title of law		14001
special zones: creation	14301 to	14307
taxation and finance		
14018, 14044, 14151 to 14176, 14220, 14221, 14229, 14257, 14305, 14307		
violations—		
citations by chief of fire department		14108.6
hearing and review of order		14110
warrants		14164, 14165
withdrawal of territory	14218, 14219,	14221

FIRE EQUIPMENT. See FIRES.**FIRE ESCAPES.**

housing act provisions	16500 to 16705, 16720, 16720.5
signs in hotels, lodging or rooming houses	19700, 19702

FIRE MARSHAL, STATE.

camp, organized, regulations applicable to	18897.5
children's homes, sanitariums, etc., rules and regulations re automatic sprinkler systems, etc., in	13113, 13114
clothes cleaning establishments, powers and duties re—	
administration	13250 to 13254
permits	13300 to 13312
compensation	13101
education, state department of, advice of, re rules and regulations	13143
expenditures	13111.1
explosives, powers and duties re	
12000, 12000.5, 12004.5, 12005, 12102, 12104 to 12106, 12111.5, 12301.5	
extinguishers, fire, regulations and standards for sale, etc., of	13160 to 13169
fire and panic safety standards, publication of lists of materials, etc., conforming with	13144.1
fire districts, local, study and report on laws re formation, etc., of	14020
fire equipment, powers and duties re	13026, 13027, 13160 to 13169
fire protection districts (law of 1961): study and report on law re formation, etc.	13813
fire protection, powers and duties re	13100.1, 13103 to 13111.2,
13115, 13116, 13120 to 13127, 13129, 13140, 13140.7, 13143 to 13146.3	
firemen, fire protection, etc., compilation and publication of laws re	13105.5
fireworks, powers and duties re. See FIREWORKS.	
flame-retardant chemicals and materials: regulation of use	13115 to 13130
inflammable or explosive materials, clothing, etc., powers and duties re	
19811 to	19815
office created	13100
reports—	
incendiary fires to district attorneys	13107
monthly and annual reports to governor	13110
spotting, sponging and pressing establishments, administration of	13550 to 13554
state fire advisory board: chairmanship, duties, etc.	13140, 13140.7, 13141, 13143
state property, abatement of fire hazards on	13104.5, 13104.6
tents, etc., used for public gatherings, duties re	13115, 13116

FIRE PROTECTION DISTRICTS, COUNTY.

ambulances	14455.8
------------	---------

FIRE PROTECTION DISTRICTS, COUNTY—Continued

Section

annexations—	
annexed territory, inclusion of real estate and improvements in	14510
authorization	14510
hearing	14514
notice	14511 to 14513
resolution declaring annexation	14515
board of supervisors—	
commissioners, appointment of	14453 to 14455.1
ordinances	14460 to 14466
powers and duties, generally	14440 to 14454
zones, special fire protection, powers and duties re creation, etc., of	14598 to 14598.5
bonds—	
issuance	14495 to 14496
payment (tax levy for retirement)	14480.2 to 14480.5
cities—	
inclusion	14401, 14402
payment of taxes by	14480, 14481.1
withdrawal	14401
civil service: adoption of and use of county facilities	14446 to 14451
civil service: blanketing of employees upon consolidation of districts	14525.1
claims against district	14488
commissioners—	
accounts	14455.3
ambulances, operation and maintenance of	14455.8
appointment	14453 to 14455.2
compensation	14453, 14455.1, 14455.2
contracts re fire apparatus and equipment	14455.5
fire chiefs, firemen, etc.: appointment and payment of	14455.6
organization	14455.2
president, election of	14453, 14455.2
records	14455.3
rules and regulations, making and enforcement of	14455.4
secretary, election of	14453, 14455.2
consolidations—	
authorization	14525
blanketing of employees into employment of consolidated district	14525.1
hearing	14529, 14530
liabilities, assumption of	14532
name of consolidated district	14531
notice	14526 to 14528
resolution declaring consolidation	14531
continuation under fire protection districts law of 1961	14407
contracts—	
fire protection services from cities	13052.5
fire protection service to cities	14408
joint use of apparatus and equipment	14455.5
mutual aid agreements	14455.5
water services to areas withdrawn by cities, liability of cities for	14548
definitions and general provisions	14400 to 14408
dissolution—	
authorization	14580
cities, inclusion within	14501 to 14506
election	14584 to 14591
hearing	14583, 14584
notice of election	14582, 14588, 14589
petition	14581 to 14584
property, vesting of	14501, 14592
tax levy	14594
"district investigation act of 1933," not applicable	14405
elections. See ELECTIONS.	
employees, certain: reimbursement for travel expenses	14455.1
fire chiefs, firemen, etc.: appointment, compensation, powers and duties	14455.6, 14455.7
fire extinguishment services extended by other governmental agencies, liability for	13051, 13052
fire prevention, etc., educational programs for	14444.2
fire protection services from cities	13052.5
first aid or rescue service	14444.1
forestry, state division of, duties of	14470

NOTE: See also preceding SUPPLEMENTAL INDEX.

FIRE PROTECTION DISTRICTS, COUNTY—Continued

Section

formation—		
authorization, composition, etc.	14400 to 14401,	14410
boundaries	14415, 14418, 14426,	14427
decision of board		14419
election	14425 to	14432
hearing	14417 to	14419
notice	14411 to	14415
objections	14416 to	14418
prohibition against		14407
funds—		
capital outlay funds	14480.6 to 14480.8, 14490 to	14492
inclusions of territory within cities, effect of	14502,	14504
withdrawals upon inclusion in city, division upon		14549
name, change of		14454
ordinances	14460 to	14466
president of commissioners, election of	14453, 14455.2	
property—		
acquisition		14443
dissolution, effect of	14501 to 14506,	14592
generally	14500 to	14506
inclusions of territory within cities, effect of	14501 to	14506
withdrawals upon inclusion in city, division upon		14549
withdrawals upon petition, vesting upon		14568
rescue or first aid service		14444.1
secretary of commissioners, election of	14453,	14455.2
state responsibility		14400.5
taxation and finance	14480 to 14492, 14550, 14594,	14598.4
weed abatement		14462.5
withdrawals upon inclusion in city—		
annexation, portion included by		14540
funds, division of		14549
incorporation, portion included by		14541
notice to state board of equalization		14541
property, division of		14549
structural improvements, lands having		14551
tax levy		14550
water service, liability of cities for		14548
withdrawals upon petition—		
authorization		14560
granting of petition		14567
hearing	14563, 14566,	14567
notice	14564,	14565
petition	14540, 14561, 14562,	14567
property, vesting of		14568
zones, special fire protection: creation, etc.	14598 to	14598.5

FIRE PROTECTION DISTRICTS, GENERALLY.

annexation to districts serving cities	14820
housing authorities, transfer of property by	34315.5

FIRE PROTECTION DISTRICTS IN ONE OR MORE COUNTIES.

continuance under fire protection districts of law of 1961	14606
contracts	14682, 14690
definitions and general provisions	14600 to 14606
directors—	
election or appointment	14625, 14633, 14637, 14654 to
organization, terms, etc.	14650 to
powers and duties	14680 to
vacancies in office	14661
dissolution, generally—	
authorization	14760
election	14762, 14763
entry of dissolution	14763 to
petition	14761
taxation and finances, effect upon	14766
dissolution when area incorporated—	
authorization	14800
debts, payment of, by city	14804
petition	14801
property, transfer of, to city	14803
resolution of dissolution	14802

Section

FIRE PROTECTION DISTRICTS IN ONE OR MORE COUNTIES—Continued.

"district investigation act of 1933," not applicable	14603
election precincts	14623, 14624
exclusions when area incorporated: petition	14811
fire hazards, powers re	14684
formation—	
election	14630 to 14640
hearing	14618, 14619, 14620 to 14624
objections	14617 to 14619
petition, composition, etc.	14600, 14610, 14621
prohibition against	14606
resolution of intention	14611, 14612
general provisions and definitions	14600 to 14606
inclusions by election—	
authorization	14735
costs, advancement of, by petitioners	14740
election	14744 to 14750
finding in favor of inclusion	14750
hearing	14743, 14744
notice of election	14745
notice of hearing	14736 to 14739
petition	14736, 14740 to 14742
taxes, payment of	14742
inclusions without election—	
authorization	14720
hearing	14726 to 14728
notice	14725
petition	14721 to 14727
jurisdiction of prosecutions	14689
ordinances	14686 to 14688
property—	
division of property, etc., when portion of territory included within city	14814
generally	14683, 14683.5
title	14604, 14605
rules and regulations	14681
taxation and finance—	
annexations, payment of taxes by petitioners upon	14742
dissolution, effect of	14766, 14804
generally	14700 to 14710
limitation	14704
special assessments	14716
transfer of territory from one district to another	14751 to 14759
warrants, unpaid	14710
withdrawals on inclusion within city—	
division of property, etc.	14814
portion of district	14813
withdrawals to form new district—	
authorization	14775
election	14784 to 14791
hearing	14777, 14782
petition	14776
zones, special fire protection	14712 to 14717

FIRE PROTECTION DISTRICTS IN UNINCORPORATED AREAS:

continuation under local fire district law	14019
--	-------

FIRE PROTECTION DISTRICTS (LAW OF 1961).

ambulances	13853
annexation of territory	13945 to 13948
areas subject to organization	13821 to 13823
bonds: issuance, sale, etc.	13918 to 13937
boundaries	13821 to 13823, 13945 to 13956, 13977, 13980 to 13982, 13992, 13993
cities, payment of taxes by	13908
claims against district	13915 to 13917
consolidation—	
blanketing of employees into employment of consolidated district	13960
board members, selection of	13957
election	13956
excluded or withdrawn territory, taxation of	13958
hearing	13955
liabilities, assumption of	13959

NOTE: See also preceding SUPPLEMENTAL INDEX.

FIRE PROTECTION DISTRICTS (LAW OF 1961)—Continued

consolidation—continued	Section
resolutions	13955, 13956
succession to property	13959
contracts—	
city acquisitions of fire fighting implements, etc.	13942
fire protection service	13941
generally	13852, 13855, 13941, 13942
hospital service	13859, 13861
material aid agreements	13855
services to or by other districts	13852, 13855
water supply and distribution	13852, 13942
directors—	
consolidated districts, selection in	13957
election or appointment, etc.	13831 to 13846, 13957
powers and duties, generally	13840 to 13843, 13851 to 13882
recall	13846
reorganized districts, selection in	13977, 13984
vacancies in office	13840
dissolution—	
authorization	13950
board of supervisors, order of	13967
cities, inclusion within	13951
funds, disposition of	13969
notice of election	13965
petition	13965
property, disposition of	13968
tax levy	13970
district investigation act of 1933, exemption from provisions of	13809
elections. See ELECTIONS.	
employees—	
city employees, certain, employment of, without examination	13882
civil service system	13856, 13880 to 13882
consolidated districts, blanketing into employment of	13960
indemnity bonds	13857
insurance	13859 to 13861
professional, etc., meetings, attendance at	13863
reorganizations, effect of	13984
status, change of, between districts and counties	13881
exclusion of territory	13949, 13958
fire extinguishment outside district	13879
fire hazards, powers re	13867 to 13875
fire prevention codes, adoption of, by reference	13871
fire prevention, etc., educational programs for	13877
firemen's training program	13878
first aid or rescue service	13854
formation	13825
funds—	
bond service fund, special	13932
capital outlay funds	13911 to 13913
dissolution of districts, division on	13951, 13969
withdrawal of territory, disposition on	13954
general provisions and definitions	13801 to 13814
insurance for directors and employees	13859 to 13861
leases	13852, 13858
more than one district governed by same body	13880
ordinances	13856, 13869 to 13873, 13987
peace officer powers	13875
property—	
acquisition and disposal	13852
disposition upon dissolution	13951, 13968
disposition upon withdrawal of territory	13954
reorganizations, effect of	13985, 13986
records	13866
reorganization—	
authorization	13975
boundaries	13977, 13980 to 13982
effect	13984 to 13989
fire departments	13975 to 13989
hearing	13978, 13979
petition	13976 to 13982, 13984
rescue or first aid service	13854

FIRE PROTECTION DISTRICTS (LAW OF 1961)—Continued		Section
short title of law	-----	13801
state responsibility	-----	13821
taxation and finance	13901 to 13937, 13954, 13958, 13970, 13996,	13999
violations—		
citations by chief of fire department	-----	13872
hearing and review of order	-----	13874
orders to correct, etc., hazards	-----	13873
warrants	-----	13916, 13917
weeds, hazardous, abatement of	-----	13867
zones, special fire protection: creation, etc.	13991 to	13997

FIRE PROTECTION DISTRICTS, METROPOLITAN.

bonds—		
generally	-----	14326, 14351 to 14354.1
issuance, election on	-----	14345 to 14350
claims against district	-----	14363
contracts	-----	14365 to 14368
definitions	-----	14327
elections: bond issuance	-----	14345 to 14350
formation—		
authorization	-----	14325
boundaries	-----	14331, 14340 to 14344
generally	14325, 14326, 14328, 14330 to	14344
hearing and protest	-----	14340 to 14344
intention, resolution of—		
contents	-----	14331
generally	-----	14330 to 14339
general provisions	-----	14325, 14326
governing body	-----	14365 to 14370
laws applicable to	-----	14375
powers, generally	-----	14365 to 14370
purposes	-----	14326
taxation and revenue	-----	14355 to 14361
work, performance of, by district	-----	14369

FIRE PROTECTION EQUIPMENT, ETC. See FIRES.

FIRES. See also FIRE COMPANIES; FIRE DISTRICTS, LOCAL; FIRE MARSHAL, STATE; FIRE PROTECTION DISTRICTS; FIREWORKS.

abatement of hazards, use of fire in	-----	13055
air pollution control provisions: exemption of fires set, etc., by public officers for certain purposes	24245, 24360.1,	24360.2
apartment houses or hotels: reports by person in charge	-----	17830
children's homes, sanitariums, etc., installation of fire protection equipment in	-----	13113 to 13114.5
equipment: housing act provisions	16500 to 16720.5,	16743 to 16744
equipment, standard—		
exception	-----	13025.5
fire marshal, state, powers and duties of	-----	13026, 13027
fire protection districts (law of 1961), conformity by	-----	13864
nonstandard equipment, prohibition of sale of	-----	13028
state standard	-----	13025
equipment, use of—		
contracts between county fire protection districts and contiguous cities	-----	13052.5
expenses incurred in extending services	13051, 13052,	13052.5
extensions of service by counties and cities	-----	13050
national forest fires	-----	13053, 13055
extinguishers	-----	13160 to 13169
flame-retardant chemicals and materials	-----	13115 to 13130, 16713
inflammable materials, permits to burn	-----	13876, 14112
inflammable or explosive clothing, materials, etc.: sale and manufacture restrictions	-----	19810 to 19816
laws re firemen, fire protection, etc.: compilation and publication by state fire marshal	-----	13105.5
liabilities in relation to fires	-----	13000 to 13010
local enforcement of state rules and regulations	-----	13146.5
materials, etc., conforming with fire panic safety standards, lists of	-----	13144.1
national forest fires	-----	13053, 13054, 13055
prevention activities of county fire protection districts	-----	14444.2
prevention activities of fire protection districts (law of 1961)	-----	13877

NOTE: See also preceding SUPPLEMENTAL INDEX.

FIRES—Continued

Section

rules and regulations for fire and panic prevention and protection	13140, 13143 to 13146.5
schools, inspection of	13146.3, 13146.5
solvent, flammable: retail sales	13118
state fire advisory board, etc.	12503, 12555, 13140 to 13146.5
state property, abatement of fire hazards on	13104.5, 13104.6
tents, etc., use for public gatherings, fireproofing of	13115, 13116
unlawful acts. See CRIMES—misdemeanors—fires.	

FIREWORKS.

definitions	12501 to 12526
discharge	12600 to 12604, 12651, 12701, 12711, 12750, 12754, 12755, 12757, 12764
displays, public	12509, 12600 to 12609, 12657, 12660, 12706, 12707
enforcement of law	12700 to 12718
exemption from provisions regulating use of explosives	12006
exemptions from provisions of state fireworks law	12503, 12764
fire marshal, state, powers and duties of	12503, 12550 to 12553, 12555, 12601, 12604, 12605, 12650 to 12717
insurance requisites	12606, 12660
licenses	12555, 12650 to 12666
permissible use	12761 to 12763
permits	12555, 12600 to 12609, 12708, 12755
prohibitions, generally	12750 to 12760
rockets or missiles—	
amateur research, etc., licensing for	12555
United States department of defense, exemption of	12764
sales	12600 to 12604, 12607, 12650, 12652, 12701 to 12705, 12710, 12750 to 12761
short title of act	12500
storage	12708, 12709
transportation	12600, 12650, 12659.5, 12701, 12711, 12750, 12756, 12762, 12764
violations	12800, 12801

FIRST AID SERVICE.

county fire protection districts	14444.1
fire protection districts (law of 1961)	13854

FISH AND GAME. See also CANNERIES; FOODS.

department: stocking of waters opened to public fishing	4471.4
director: atomic energy development and radiation protection, departmental co-ordinating committee on: membership	25750
laws, posting of certain, in frozen food locker plants	28715
water supplies, publicly owned domestic, fishing in	4462 to 4468, 4470 to 4471.4

FISHING IN DOMESTIC WATER SUPPLIES 4462 to 4468, 4470.1 to 4471.4**FLOOD RELIEF REDEVELOPMENT PLAN** 34000 to 34009**FLOORS.**

apartment houses or hotels	17264, 17266, 17267
auto courts and resorts	18653, 18659, 18660, 18662, 18663, 18668, 18729, 18795
bakeries	28199
basements	15902
fire escapes. See FIRE ESCAPES.	
fireproof buildings	17284
food processing establishments	28282, 28285, 28288
food storage or preparation rooms, hotel	17254
kitchens, hotel	17254
live load	17257
lower floor air space	16000 to 16002
mobilehome parks	18354, 18357, 18360
restaurants	28540
restaurants, itinerant	28590

FOOD AND DRUG INSPECTIONS, BUREAU OF. See also DRUGS; FOODS.

chief—	
appointment of	26559
drugs or devices: seizure and quarantine, duties re	26361 to 26363
foods—	
adulteration or misbranding, reports to state director re	26562
reports to state board	26567
seizures, reports to state director re	26583
suspected foods, examinations and analyses of	26560
employees	26559

FOOD PROCESSING ESTABLISHMENTS. See **FOODS—processing.**

FOOD SULPHURS28500 to 28509

FOODS. See also **BAKERIES; BEVERAGES; CANNERIES; MEAT; RESTAURANTS; VENDING MACHINES.**

additives: definitions and exemptions26465, 26466, 26468

administration of regulatory law—

generally26540 to 26605

local administration26615 to 26624

adulterated foods—

adulteration prohibited26515

bakery products28211 to 28213

color additives, unauthorized26472

condemnation26585 to 26589

correction by processing upon court order26588

determining factors26470 to 26472

exportation, foods prepared for26512

food additives26470, 26472

hearings, local26619 to 26621

importing prohibited26511

manufacture or production prohibited26510

public health department, powers and duties re201, 202

radiation, subjection to26470

release proceedings26586.5

sales prohibited26510

seizure and quarantine26581 to 26589

tagging or marking26580, 26586, 26589.5

advertising, false or misleading—

alcoholic beverages26501.1

determining factors26456

dissemination prohibited26516, 26516.4

liability for26501

manufacturers, packers, etc., refusal to disclose names of26501

publishers, radio-broadcast licensees, agencies, etc.: liability26501

what is26500

alcoholic beverages—

advertising26501.1

sale in refilled packages and sale of substitutions, restrictions re26517

artificial coloring of butter, cheese, or ice cream26496

bakery products28210 to 28217, 28230, 28231, 28238, 28240 to 28245

beer—

applicability of provisions26462, 26495

containers26540, 26540.1

exemption from provisions re misbranding of foods26495

beverages, nonalcoholic, labeling of26495, 28322

bread: display in open-end wrapping28238

bread: labeling28230, 28231

canneries. See **CANNERIES.**

cold storage—

applicability of provisions28116

definitions28110 to 28116

licenses28120 to 28127, 28720

marking28142, 28149

regulations, generally28130 to 28133, 28140 to 28153

violations28160

"color additive": definition26468

"color additive": determining factors26468

confectionery26450, 26472

containers—

beer26540, 26540.1

cold stored food, marking of28142

fill, standard of26540

filling, misleading26490

form, misleading26490

frozen food28170 to 28173, 28182

"immediate container"26454

olive oil28484

poisonous or deleterious substances, composed of26470

processing establishments28310 to 28325

contamination with micro-organisms: temporary regulation of class of food affected26473 to 26476

NOTE: See also preceding **SUPPLEMENTAL INDEX.**

FOODS—Continued.

Section

definitions	26450, 26465, 26466, 26468	
definition: processing provisions		28280
disposal or removal, unauthorized		26580, 26580.5
examinations and analyses by state laboratory, etc.	26558, 26560,	26561
factories, warehouses, etc., inspection of	26518.5, 26548,	26553
food sanitation act, California		28280 to 28299
frozen food	28165 to 28186,	28577, 28622
frozen food locker plants		28700 to 28726
general provisions and definitions		26450 to 26468
guaranties—		
contents		26524
general guaranties		26522
generally	26520 to	26527
prosecution, avoidance of, by guaranties	26520 to	26527
special guaranties		26523
violation notices to persons issuing		26564
health districts, local, inspections by		936
horse meat	28000 to	28015
ice		4005
identity, standards of	26540 to	26542
importing of adulterated or misbranded foods		26511
laboratories, county or city, examinations by		1000
laboratory, state: analyses and examinations	26558, 26560,	26561
locker plants	28117, 28149, 28700 to	28726
meat. See MEAT.		
milk. See MILK.		
misbranded foods—		
beverages, nonalcoholic	26495,	28322
correction by proper labeling upon court order		26588
determining factors	26456, 26464, 26490 to	26496
exemption of small packages		26491
exportation, foods prepared for		26512
imitations		26490
importing prohibited		26511
labels—		
alteration, mutilation, or destruction resulting in misbranding		26513
forging, counterfeiting or falsely representing		26514
manufacture or preparation prohibited		26510
misbranding prohibited	26515, 26516.4,	26516.5
sales prohibited		26510
seizure and quarantine	26581 to	26589
tagging or marking	26580, 26586,	26589.5
violations, generally	26518 to	26527
monosodium glutamate, addition of		26472
olive oil	28475 to	28488
definitions	28475,	28476
generally	28475 to	28488
license to package, manufacture or distribute		28479
violations		28488
optional ingredients, regulations re		26541
orange juice drink		26450.5
pesticide chemicals	26465,	26466
pet food	28007,	28008
poisonous or deleterious ingredients	26470,	26471
processing	28280 to	28325
containers	28310 to	28325
establishments—		
building standards commission, exemption of machinery, etc., from		18906.3, 18906.4
provisions re	28291 to 28293,	28295
employees	28281 to 28290,	28292 to 28294
sanitation of premises		28280.1
what are		28280
“food”: definition		28345
violations	28330 to	28345
walnuts	26510 to	26527
prohibitions, generally	26518 to	26527
prosecutions for violations: guaranties, avoidance by	201, 202,	26467
public health department, powers and duties re	26450 to	26624
pure foods act, California	26540 to	26542.1
quality, standards of		26465
radiation sources used on, as “food additives”		26470
radiation, unregulated, as adulteration		26466
raw agricultural commodity: food additive exemption	26465,	26466

FOODS—Continued	Section
regulations—	
additives	26542.1
color additives	26468
generally	26540 to 26544
horse meat, sale of	28013
local inspection and enforcement divisions	26624
poisonous or deleterious ingredients	26471
removal or disposal, unauthorized	26580, 26580.5
"safe": definition	26466
sales—	
bakery products	28212, 28230, 28231, 28238, 28240 to 28242, 28244
cold stored foods	28150, 28152
container requirements for certain processed foods	28325
dehydrated food pack labeled "disaster pack," etc.: labeling requirements	26467
"disaster packs," etc., nutritional values and labeling of	26467
horse meat	28000 to 28015
olive oil	28480, 28486
perishable packaged processed fresh foods	26516.7
regulations	26510 to 26512, 26516.4 to 26516.7, 26517 to 26519, 26550, 26582
walnuts	28337
what considered to be	26459
samples	26545, 26549, 26550, 26553, 26600 to 26602
sanitarians	540 to 542
sulphurs, food	28500 to 28509
temporary regulation of class of food contaminated with micro-organisms	26473 to 26476
violations	26518 to 26527, 26542
FORESTER, STATE.	
bay area air pollution control district provisions: exemption of fires set, etc., for watershed, etc., purposes	24360.2
designation as "chief" for enforcement of provisions re explosives	12000.5
fireworks permits	12755
FORESTRY, STATE DIVISION OF.	
fire hazards, used of fire in abatement of	13055
fire protection districts, county, duties re	14470, 14471
FORFEITURES. See PENALTIES, FINES, ETC.	
FOUNDINGS. See BIRTH REGISTRATION.	
FRANCHISES: county garbage disposal	4200 to 4204
FRATERNAL OR BENEFICIAL ASSOCIATIONS.	
burial parks, certain, reincorporation or abandonment of	8250
cemeteries owned by	8129, 8132, 8133, 8134
FROZEN FOOD	28165 to 28186, 28577, 28622
FROZEN FOOD LOCKER PLANTS.	
definition	28700
exemptions from licensing provisions	28720.5
generally	28700 to 28726
hearings: license revocation	28721, 28722
labeling of stored products	28717
license fees	28702
licenses	28149, 28701 to 28704, 28712, 28720 to 28722
liens	28718
records	28716
rules and regulations	28709
temperature controls	28710, 28710.5, 28711
FUNDS. See also EXPENDITURES.	
cemetary. See CEMETERIES.	
city—	
community redevelopment agency administrative fund	33853, 33854
county fire protection district funds received on annexation, etc., to cities	14502, 14504, 14506
county fire protection district funds received on withdrawal of territory, use of	14549
health protection funds: bacteriological and chemical laboratories costs	1001

NOTE: See also preceding SUPPLEMENTAL INDEX.

FUNDS—Continued**Section****city—continued**

local hospital district funds, vesting of, on dissolution	32009
rabies treatment and eradication fund	1910, 1911, 1915, 1917, 1918
redevelopment revolving fund	33880 to 33889
sewer maintenance districts, inclusions of	4921 to 4924
vital statistics fees, deposit of	10602

county—

communicable or infectious diseases, eradication fund for	850
health protection funds: bacteriological and chemical laboratories costs	1001
hospital trust fund	1452
local fire district funds reverting upon dissolution, use of	14256
local hospital district funds, vesting of, on dissolution	32009
patients' personal deposit fund	1453
pest abatement districts, transfers to	2874, 2876, 2922
physically handicapped children, funds for	257.5, 270, 271
rabies treatment and eradication fund	1910, 1911, 1915, 1917, 1918
sewer maintenance districts, emergency loans to	4894
sewer maintenance districts, transfers to	4893
tuberculosis hospitals, etc., maintained by group of counties	3294, 3298, 3300, 3300.1, 3304, 3308, 3310
vital statistics fees, deposit of	10602

district. See name of particular district (e.g., SANITATION DISTRICTS, COUNTY).

narcotics investigation funds, recovery of	11680.5
--	---------

state—

elderly persons low rent housing fund	35970 to 35972, 35995, 35996, 35998, 35999, 36002
fire marshal's fund: abolition and transfer of balance to general fund	13111
general fund—	
cold storage warehouse fees, deposit of	28127
drug administration fines, credits of	26385
elderly persons low rent housing bond act of 1961, appropriations re	35995, 35996
fire marshal, state, appropriations for	13111
flame-retardant chemicals and materials approval fees, deposit of	13130
pet bird band fees, deposit of	2106
vital statistics fees, deposit of	10601
housing for the elderly law, revolving funds for expenses, etc., re	35972
public health federal fund	117 to 120
special deposit fund	121

FUNERAL DIRECTORS. See also CEMETERIES; CORONERS; DEAD BODIES; DEATH REGISTRATION.

autopsies	7113 to 7115
cremated remains, liability for	7112
death certificates, duties re	10176, 10201, 10202, 10205
deaths, reports of	10250
permit for disposition of remains: signature, etc.	10379
removal of body from registration district	10381
vital statistics: duty to supply information	10005

FUNERAL EXPENSES: tuberculosis patients in institutions subject to jurisdiction of department of corrections 3296**G****GARAGES.**

auto courts and resorts	18507, 18725 to 18729
housing act provisions	15500, 15501, 17000 to 17088

GARBAGE AND REFUSE. See also GARBAGE DISPOSAL DISTRICTS.

animals refuse, cremation of	4303
crematories, regulations re gases or fumes from	4300 to 4302
disposal—	
auto courts and resorts	18800
city contracts	4250
county contracts	4121, 4121.1
county sanitation districts	4741 to 4741.6, 4820
dumps	4260
franchises, county	4200 to 4204
health districts, local	936
mobilehome parks	18375 to 18379
public and private places, authorized	4476

GARBAGE AND REFUSE—Continued**Section**

disposal—continued	
radioactive wastes in navigable waters	4400 to 4403.5
restaurant act, California	28565 to 28569, 28610 to 28614
sanitary districts (act of 1923)	6406, 6512, 6514, 6520 to 6521, 6523.2, 6641, 6697
vessels, use of, for disposal purposes	4401 to 4403.5
housing act provisions	17809 to 17812
placing upon private property or public places	4475 to 4477
receptacles—	
closet or compartment for storing of receptacles	17810
restaurants act, California	28565, 28567, 28568, 28610, 28612, 28613, 28647, 28680, 28681
refuse transfer or disposal facilities, operation of, by county sanitation districts	4741 to 4741.6, 4755, 4815, 4820, 4831

GARBAGE AND REFUSE DISPOSAL DISTRICTS.

annexations—	
limitation	4191
notice of hearing	4189
petition	4188 to 4190
bonds, issuance of	4186 to 4186.30
boundaries	4176, 4187 to 4193
claims against districts	4185.1
definition	4170
directors, board of—	
appointment, etc.	4179, 4179.1, 4179.2
powers and duties	4180
dissolution	4194 to 4197
formation—	
composition, powers of supervisors, etc.	4171, 4172
hearings	4172 to 4177
hearings, notices of	4172 to 4174
prohibition after October 1, 1961	4178.5
taxation	4181 to 4185
unappropriated reserve funds	4181.1
withdrawal of territory	4192, 4193

GARBAGE DISPOSAL DISTRICTS.

annexations—	
authorization	4135
cities, inclusion of	4139
hearing	4136 to 4139
limitations	4139
notice of hearing	4137, 4138
petition	4136 to 4138
bonds, issuance of	4113
claims against districts	4130
consolidation	4165 to 4165.7
contracts for disposal	4121, 4121.1
dissolution—	
authorization	4160
hearing	4162
inclusion of all territory in city: city resolution requesting dissolution	4122
notice of hearing	4161
order of dissolution	4163
petition	4161 to 4163
property, vesting of	4122, 4163
formation—	
boundaries	4106, 4108, 4112
cities, inclusion of	4105
composition, powers of supervisors, etc.	4105, 4106
disposal sites as exclusive purpose	4113
election	4110 to 4112
hearing	4106 to 4110
notice of election	4111
notice of hearing	4106 to 4108
objections	4109
order of formation	4112
funds	4122, 4147, 4163
property—	
dissolution, effect of	4122, 4163

NOTE: See also preceding SUPPLEMENTAL INDEX.

GARBAGE DISPOSAL DISTRICTS—Continued.		Section
property—continued		
title		4122
withdrawals, effect of		4147
rules and regulations		4120
supervisors, board of, general powers of		4120
taxation	4113,	4127
withdrawals—		
alternative procedure		4144.1
authorization		4143
hearing		4146
notice of hearing		4145
petition		4144
portion annexed, etc., to city		4143
property, vesting of		4147
re-establishment of district, resolution of		4146
GARNISHMENT: exemption of money payable to cemeteries		7925
GAS APPLIANCES AND VENTS.		
auto courts and resorts	18793 to	18795
housing act provisions	16900 to	16906
GAS ILLUMINATION: rented rooms		19600
GASES, LIQUEFIED PETROLEUM.		
auto courts and resorts: storage, etc.	18825,	18826
mobilehome parks: rules and regulations		18425
GASOLINE OR OIL SERVICE STATIONS: maintenance in apartment		
house or hotel	17704,	17704.1
GIFTS.		
bay area air pollution control district, acceptance by		24354
cemeteries, private—		
endowment care and special care	8735, 8737,	8776
lands, mausoleums, columbariums and other property		8500
cemeteries, public, lands for: acceptance by cities		8127
clinics, charitable		1203
community redevelopment agencies, acceptance by	33266, 33267,	33708
community redevelopment agencies to housing authorities, etc.		33274.1
endowment hospitals	32500 to	32508
explosives	12100 to	12118
fire districts, local, property to		14092
fire protection districts, county, acceptance by		14452
hospital districts, local—		
acceptance by		32121
use for new construction, etc.		32221
limited dividend housing corporations, acceptance by		34874
narcotics for medical purposes		11655
physically handicapped children, services for	258,	264
public health, state director of, acceptance by		213
sewerage and water districts, county, acceptance by		5540
GNAT CONTROL: state participation		2426
GOVERNMENTAL AGENCIES. See also COUNTIES; MUNICIPAL		
CORPORATIONS; names of particular districts (e.g., MOS-		
QUITO ABATEMENT DISTRICTS) and particular activities		
(e.g., COMMUNITY REDEVELOPMENT).		
agricultural workers, seasonal and migratory, state aid for programs re	429,	429.1
air pollution control districts, liability under provisions re		24254
alcoholic rehabilitation programs: state co-operation, etc.	427.1,	427.2
audiometrists, employment of		1685
blindness prevention: state assistance, etc.		428
building regulations: approval by state building standards commission	18903,	18904
community redevelopment agencies, land transactions with		33018
fire marshal, state, rules and regulations of: uniform applicability to cer-		
tain institutions, etc.		13143.5
fire prevention ordinances or regulations: restriction		13143.5
garbage and refuse dumps, operation of		4260
rabies control. See RABIES.		
radioactive wastes, agreements for inspection, etc., activities re		25606
water supplies, domestic, recreational use of	4050 to 4055, 4462 to 4468, 4470 to 4471.4	

GOVERNOR.

Section

appointments—

atomic energy development and radiation protection, advisory council on: members	25760
building standards commission, state, members and advisory members of	18900
cancer advisory council, members of	1701
co-ordinator of atomic energy development and radiation protection	25730
fire advisory board members	13142
fire marshal, state	13101
hospital advisory board members	1408
hospital council, advisory	431.2
housing for the elderly, chief of division of	35810
motor vehicle pollution control board members	24383
public health board members	103
public health, director of	107.5
atomic energy development and radiation protection—	
creation of position of co-ordinator of, in office of governor	25730
rules and regulations, powers re inconsistencies in	25734.5
elderly persons low rent housing bond records, inspection of	36003
elderly persons low rent housing bonds, powers re sale of	35997
elderly persons low rent housing finance committee: membership	36000
radiation control, agreements with federal government re	25830, 25870 to 25876

GUARANTIES. See **DRUGS; FOOD; HAZARDOUS SUBSTANCES, LABELING OF.**

GUNPOWDER. See **EXPLOSIVES; FIREWORKS.**

H

HAM 26472, 26516.5

HAMBURGER 26472

HANDICAPPED PERSONS: licensing and regulation of establishments for
1500 to 1517

HAZARDOUS SUBSTANCES, LABELING OF.

administration	28743, 28775 to 28790
definitions and general provisions	28740 to 28755, 28771
exemptions from provisions	28744, 28765 to 28768, 28771, 28778, 28779
guaranties against misbranding	28765 to 28767
misbranded substances, disposition of	28782 to 28787, 28789
prohibitions	28760 to 28771

HEALTH AND WELFARE AGENCY.

state department of public health, inclusion of
 100 |

HEALTH DEPARTMENTS, LOCAL: exercise of delegated authority to
regulate, etc., hospitals
 1421 |

HEALTH DISTRICTS, LOCAL.

administration and operation, generally	940 to 944
aid from state, generally	1100 to 1157
annexations—	
certificate of annexation	962, 963
cities, inclusion of	958, 964
election	959 to 962
effective date	963
petition	959, 964
territory	958
cities, inclusion of	903, 904, 919, 958, 964
claims against districts	954
counties, inclusion of	919
county and city administrative provisions, exemption from	884
definitions	880 to 883
dissolution—	
certificate of dissolution	969, 970
election	967 to 969
property apportionment	970
employees: appointment, compensation, removal, retirement, etc. 941 to 943, 971,	972
expenditures to purchase property	944

NOTE: See also preceding **SUPPLEMENTAL INDEX.**

HEALTH DISTRICTS, LOCAL—Continued.

	Section
finances -----	950 to 953
formation—	
boundaries -----	902, 915
certificate of incorporation -----	918 to 920, 922
election -----	914.5, 914.6
hearing -----	913 to 915, 918
petition -----	901, 902, 905 to 916, 918
territory -----	902 to 904
health officer—	
appointment, qualifications, compensation, etc. -----	940
duties -----	941 to 944
local health department, definition of -----	1102
meat inspector, qualifications of -----	941
names -----	918
ordinances applicable to -----	884
powers, generally -----	935, 936
property—	
dissolution, apportionment upon -----	970
generally -----	936
health officer, powers of -----	944
public health nurses and health visitors, employment of -----	936
sanitarians, employment of -----	540 to 542
school building and pupil health supervision contracts with county superintendents of schools -----	485, 937
state aid, generally -----	1100 to 1157
taxation -----	950 to 953
trustees, board of—	
appointment, membership, meetings, etc. -----	925 to 931
expenditures for purchases of property, approval of -----	944
united action: powers and costs -----	936

HEALTH OFFICERS. See also QUARANTINE OF DISEASES.

California conference—	
establishment, etc. -----	1110
meetings -----	1110.1
records -----	1110.2
city—	
generally -----	500 to 510
county—	
auto courts and resorts, enforcement of provisions re -----	18550
cancer provisions, co-operation in enforcement of -----	1717
compensation -----	454
destruction, etc., of certain X-ray photographs and case records -----	460
garbage dumps, sanitary districts (act of 1923), approval of -----	6512
generally -----	451 to 460, 476, 477
poliomyelitis immunization programs, duties re -----	3382
sanitation district property, acquisition, etc., of, recommendations re -----	4786.5
generally—	
camps, organized, enforcement of rules and regulations re -----	18897.3
communicable disease prevention and control, powers and duties re -----	3000, 3110 to 3125, 3285
cups, common drinking, enforcement of sanitary provisions re -----	3703
definition for purposes of communicable disease prevention and control -----	3000
food protection and enforcement, local divisions of, duties re -----	26618 to 26621
narcotic addiction in suspects arrested for criminal offenses, testing for -----	11723
quarantine, powers and duties re -----	3110 to 3125
quarantine violators, notice re return of -----	3297
restaurant act, California, powers and duties re -----	28535, 28563, 28569, 28608, 28668, 28687 to 28691
rodent inspection -----	1804, 1806
septic tanks, cesspools and seepage pits, registration of persons engaged in business of cleaning -----	25001 to 25009
swimming pools, public—	
abatement of nuisance, powers re -----	24107
construction plans, approvals of -----	24101.1
rules and regulations, enforcement of -----	24103, 24104
towels, common, enforcement of sanitary provisions re -----	3802
venereal disease, duties re -----	3194, 3195
vital statistics local registrars, designation as, etc. -----	10050, 10053
wiping rags, inspections of -----	3902
local. See above entries.	

HEALTH, PUBLIC. See PUBLIC HEALTH.

HEALTH SERVICES.			Section
county medical facilities	1440 to	1475	
HEARING, TESTING OF	1685,	1686	
HEARINGS. See ACTIONS AND PROCEEDINGS ; and names of particular districts (e.g., SANITATION DISTRICTS, COUNTY).			
HEROIN. See NARCOTICS.			
HIGHWAYS.			
engineer, state highway: construction permits to sanitary districts (act of 1923)		6540	
fire protection districts, dissolved: use of funds		14605	
fire protection districts (in one or more counties): power re clearance, etc.		14684	
garbage disposal districts, dissolved: use of funds		4163	
highway patrol: commissioner: membership on motor vehicle pollution control board		24383	
highway patrol: duties re parking of mobilehomes		18100	
sanitary districts (act of 1923): sewer construction		6540	
sanitation districts, county: rights of way		4759	
sewer revenue bonds, damage by districts issuing		5007	
HOMES.			
aged or children: fire prevention rules and regulations	13143,	13143.5	
HORSE MEAT.			
cold storage		28003	
definitions	28000 to	28002	
regulation, sale, etc.	28000 to	28015	
HOSPITAL DISTRICTS, LOCAL.			
administrators, employment, etc., of subordinate officers and employees by	32121.1		
annexations	32001, 32002, 32004 to	32004.6	
assessments—			
annual	32200 to 32221,	32312	
special	32240 to 32243,	32312	
audit, annual		32133	
bonds	32127, 32300 to	32314	
boundaries. See BOUNDARIES—hospital districts, local.			
buildings: finance, construction, etc.	32127.1, 32135,	32221	
certificate of need for formation, etc.: filing by state department of public health		32002	
claims against districts		32492	
consolidations	32001, 32002		
consolidations with memorial districts	32490 to	32490.9	
contracts. See CONTRACTS.			
directors—			
borrowing by first board of directors		32130.5	
candidates, campaign statements by		32109	
dissolved districts, powers and duties re winding up affairs of		32008	
eligibility restrictions		32110	
interest in contracts		32108	
notices of possible appointment in lieu of election		32100.9	
organization, election, terms, etc.	32100 to 32106,	32109	
powers and duties, generally	32121 to 32133, 32136,	32137	
dissolution	32001, 32002, 32005 to	32011	
elections—			
annexations	32004, 32004.4 to	32004.6	
bond elections		32301, 32302	
consolidation with memorial district		32490.3, 32490.4	
dissolution		32006	
exclusion of territory		32004.7,	
formation		32479	
generally	32002 to 32002.4, 32100.5, 32100.8,	32109	
new construction: authorization		32221	
recall		32100.6	
special assessment authorization	32241 to	32243	
zone directors		32433, 32482	
exclusions	32001, 32002, 32004.7 to 32004.91, 32400 to	32482	
financial statement: publication		32133	
formation		32001 to 32003	

NOTE: See also preceding SUPPLEMENTAL INDEX.

HOSPITAL DISTRICTS, LOCAL—Continued

Section

funds—	
bond interest and sinking fund	32312
capital outlay fund	32127, 32221 to 32223
dissolution, disposition upon	32009
generally	32127, 32127.1, 32127.5
indebtedness, certificates of	32130, 32130.5
indebtedness, incurring of	32130, 32130.5, 32130.7
indebtedness: liability of excluded area	32450 to 32453
lease-purchase agreements	32135
medical staffs	32128
memorial district, consolidation with	32490 to 32490.3
name, change in	32137
officers—	
eligibility restrictions	32110
interest in contracts	32108
podiatrists, use of facilities by	32128.5
powers, generally	32121 to 32133, 32136, 32137
professional services, contracts with physicians for, etc.	32129
property, etc., disposition of, upon dissolution	32009
public health and welfare organizations, membership in	32131
rates and charges: annual statement	32201
records	32128
revolving fund, creation of	32127
rules and regulations	32104, 32125, 32128, 32128.5
taxation and finances—	
accounts receivable, borrowing on	32130.7
annual assessments	32130, 32200 to 32221, 32312
capital outlays	32127, 32127.1, 32221 to 32223
generally	32127, 32127.5
indebtedness, certificates of	32130, 32130.5
special assessments	32240 to 32243, 32312
tax limitation	32203
treasurer	32127, 32127.5

HOSPITALS. See also INSTITUTIONS; TUBERCULOSIS.

advisory board	1408 to 1411
advisory hospital council	431.2 to 431.8
cancer facilities and findings, state use of	1711
county and city tuberculosis hospitals, wards, etc.—	
central committees	3302 to 3309
state aid	3294, 3295, 3298 to 3301
county medical facilities	1441 to 1475
endowment hospitals	32500 to 32508
exemptions from certain licensing provisions	1415
fire prevention rules and regulations	13143, 13143.5
licenses and regulations	1400 to 1418.5
local hospital committees	431.6 to 431.8
medical facility, unlicensed, use of name "hospital" to describe	1401.5
name or title "hospital," use of	1401.5
outpatient clinics	1204
physically handicapped children, facilities for	267, 269
planning regions	431.5
public assistance payments, certain hospitals receiving: safety and sanitation standards	1422
records re inmates	10007
rules and regulations for hospitals operated by local hospital districts	32104, 32125, 32128, 32128.5
state hospitals—	
fire prevention rules and regulations	13143, 13143.5
gifts to, of narcotics for medical purposes, by state division of narcotic enforcement	11655
venereal disease cases, admission of	3186
survey and construction act	430 to 435.7
welfare aid payments, certain hospitals receiving: safety and sanitation standards	1422

HOT PLATES: use in buildings 17708

HOTELS. See APARTMENT HOUSES, HOTELS, ETC. See also HOUSING ACT, STATE; HOUSING LAW, STATE.

Section

HOUSING. See also AUTO COURTS AND RESORTS; BUILDINGS; COMMUNITY REDEVELOPMENT LAW; HOUSING ACT, STATE; HOUSING LAW, STATE; HOUSING, STATE DIVISION OF; URBAN RENEWAL.

building standards. See BUILDINGS.

community land chest law	35100 to	35237
corporations, commissioner of: powers and duties	35190 to	35206
corporations, land chest—		
articles of incorporation		35133
corporate securities law, applicability of		35230
definitions and construction	35101 to	35108
dissolution		35166
financial powers and restrictions	35230 to	35237
formation	35130 to	35133
mortgages and deeds of trust	35160, 35164, 35165, 35232 to	35234
powers and duties	35160 to 35166, 35230 to	35237
proceeds, surplus, disposition of		35236
projects, approval of	35161 to	35163
reports		35197
securities, issuance of	35230 to	35234
violations of law, etc., procedure of commissioner upon, etc.	35199 to	35203
definitions and construction	35101 to	35108
enforcement, actions by corporations commissioner	35199 to	35203
short title		35100
violations of provisions	35108, 35165, 35199 to	35203
community redevelopment. See COMMUNITY REDEVELOPMENT LAW.		
discrimination in publicly assisted housing	35700 to	35741
displaced persons from redevelopment, etc., projects	33070, 33270, 33738, 33739, 34322.2, 34330	
elderly, housing for. See subheading, <i>housing for the elderly law</i> , below.		
housing authorities law	34200 to	34380
city, county, etc., governing body members: prohibited interest in housing projects		34328.2
definitions	34201 to	34216
displaced persons, relocation of		34330
housing authorities—		
bonds, obligations, etc.	34214, 34350 to	34380
claims against authorities		34380
commissioners	34271 to 34278, 34281 to	34283
community redevelopment agencies, transfers of real property by	33274.1, 33280	
creation	34240 to	34245
federal government, aid from	34313, 34327, 34327.5, 34601	
fire protection districts, transfer of property to		34315.5
funds—		
audit		34327.6
federal control of federal funds		34327.5
investment		34316
joint projects, cooperation, etc.		34324
judicial process, exemption of real property from		34217
legal investments, bonds, etc., as	34369 to	34371
legal services		34279
meetings: public		34283
mortgages, deeds of trust, etc.	34215, 34217, 34358, 34363 to	34371
officers and employees	34270 to	34283
powers and duties	34310 to 34328, 34330, 34365	
property tax exemption	34400 to	34402
reports		34328
school districts, contracts with, for services, etc., to temporary projects	34600 to	34606
tenant selection	34322, 34322.2	
housing projects—		
community redevelopment agencies, transfer of real property by	33274.1, 33280	
construction, management, etc., of	34218, 34312 to 34315, 34321 to	34327
definition		34212
temporary projects, school district services, etc., to	34600 to	34606
short title		34200

NOTE: See also preceding SUPPLEMENTAL INDEX.

HOUSING—Continued.		Section
housing, commission of: powers and duties re limited dividend housing corporations	34900 to 34919	34919
housing cooperation law	34500 to 34521	34521
declaration of necessity	34501 to 34508	34508
definition and construction	34503 to 34508	34508
housing projects, aid by state public body in construction, etc., of	34509 to 34521	34521
property tax exemption	34400 to 34402	34402
short title	34500 to 34508	34508
housing for the elderly law	35800 to 36003	36003
bonds: elderly person low rent housing bond act of 1961	35990 to 36003	36003
building permits and fees	19900 to 35925	35925
definitions and construction	35801 to 35925	35925
division of housing for the elderly. See HOUSING FOR THE ELDERLY, STATE DIVISION OF.		
elderly persons low rent housing finance committee, creation, powers and duties of	35991, 35992, 35997, 36000 to 36003	36003
fixtures	19950 to 36002	36002
fund, elderly persons low rent housing	35970 to 35972, 35995, 35996, 35998, 35999, 36002	36002
loans for construction	35920 to 35942	35942
state aid	35940 to 35943	35943
housing law, state. See HOUSING LAW, STATE.		
limited dividend housing corporations law	34800 to 34948	34948
corporations, limited dividend housing—		
definitions and construction	34801 to 34807	34807
dissolution	34868 to 34940	34940
dividends	34940 to 34948	34948
financial powers and restrictions	34940 to 34948	34948
formation	34830 to 34833	34833
judgments against	34919 to 34919	34919
jurisdiction and powers of commission of housing	34900 to 34919	34919
mortgages and deeds of trust	34864, 34917 to 34919, 34946 to 34948	34948
powers and duties	34860 to 34879	34879
proceeds, surplus, etc.	34941, 34942 to 34913	34913
rentals, sales, prices, etc., regulation of	34862, 34911 to 34913	34913
reports	34906 to 34948	34948
securities, issuance of	34833, 34943 to 34948	34948
violations of law, etc., procedure of commission of housing upon, etc.	34901, 34915, 34916 to 34807	34807
definitions and construction	34801 to 34807	34807
enforcement actions, etc., by commission of housing	34901, 34915, 34916 to 34919	34919
housing, commission of—		
powers and duties	34900 to 34919	34919
service on	34808, 34917 to 34873	34873
projects—		
approval	34871 to 34873	34873
consolidation	34914 to 34809	34809
park land, public	34809 to 34917	34917
service of process on commission of housing	34808, 34917 to 34800	34800
short title	34800 to 35546	35546
temporary housing projects law	35450 to 35546	35546
definitions and construction	35452 to 35455	35455
disposition of projects	35540 to 35545	35545
federally owned projects, acquisition and operation of	35480 to 35494	35494
legislative declaration	35451, 35489 to 35522	35522
mortgages, etc., execution of, for acquisition of project	35520 to 35522	35522
short title	35450 to 35450	35450
tenants, selection of	35491, 35492 to 35546	35546
validation of acts	35546 to 35741	35741
publicly assisted housing, discrimination in	35700 to 35741	35741
HOUSING ACT, STATE. See also HOUSING LAW, STATE.		
actions and proceedings	15290 to 15300	15300
air ducts	16000 to 16002	16002
air space, lower floor	15151 to 15161	15161
application and scope	15004.2 to 15004.2	15004.2
approved agency: definition	15005, 15901 to 15904	15904
basements	16950 to 16959	16959
boiler rooms	16950 to 16959	16959
buildings on same lot—		
distances between	15500 to 15501	15501
rear building passageway	15520 to 15523	15523

HOUSING ACT, STATE—Continued

Section

buildings used for seasonal recreational purposes, certain, exemption of, from provisions	15151.3, 15256
ceilings, false, combustible	16713.2
city departments, enforcement by	15250 to 15252, 15254 to 15256
construction, generally	17250 to 17341
details of construction	17250 to 17289
fireproof buildings	17280 to 17284
plasterboard	17340, 17341
semifireproof buildings	17300 to 17304
wooden buildings	17320 to 17324.5
county enforcement	15253 to 15255
courts and yards. See subheading, <i>yards and courts</i> , below.	
definitions and general provisions	15000 to 15035
doors and doorways—	
dimensions	16105
locking appliances	16730
dormitories	15013, 17151 to 17157
enforcement agencies—	
generally	15250 to 15255, 17803, 17809
plumbing fixtures, powers and duties re	17452, 17457, 17466, 17484, 17534
fire escapes	16500 to 16705, 16720, 16720.5
combined stairway and fire escape	16720, 16720.5
door and window openings	16560 to 16564
location	16520 to 16527
maintenance and repair	16705
number and kind required	16500 to 16504
strength and support	16540 to 16545
type 1	16600 to 16615
type 2	16640
type 3	16650 to 16655
type 4	16670 to 16679, 16720, 16720.5
type 5	16690 to 16694, 16720, 16720.5
fireproof buildings	17280 to 17284
fire protection equipment—	
fire alarms	16710 to 16710.6
fire extinguishers, portable	16712 to 16712.14
sprinkler systems	16711 to 16711.4
standpipes, hose, etc.	16743.5
fire resistive construction	15016.8
fires: reports by apartment house or hotel owner, etc.	17830
flame-retardant treatment of decorative material	16713
garages	17000 to 17088
fire extinguishers, portable	16712.4
general provisions and definitions	17000 to 17002
location on lot	15500, 15501
ventilation	17080 to 17088
gas appliances and vents	16900 to 16906
hallway dimensions	16100, 16101
height of buildings	15850 to 15854
hot plates, use of, in buildings	17708
industrial relations, state department of: enforcement	15255
inspections	15270 to 15272
local ordinances, effect of adoption of	15153, 15153.2
lots, unoccupied areas of, regulations re	15600 to 15604, 17802
maintenance, generally	17800 to 17830
materials, substitute, alternate, etc., use of	15159 to 15161
permits and certificates	15351 to 15388, 33749
building permits	15351 to 15362
city building departments, powers and duties of	15351, 15352, 15355 to 15358, 15380 to 15383
dormitories erected prior to August 17, 1923: certificates of occupancy	17157
final completion, certificates of	15380, 15381
occupancy, permits of	15382 to 15388
plasterboard	17340, 17341
plumbing fixtures	17450 to 17455
bathtubs and showers—	
buildings erected after August 17, 1923	17551 to 17553
buildings erected prior to August 17, 1923	17530 to 17534
general provisions	17450 to 17467

NOTE: See also preceding SUPPLEMENTAL INDEX.

HOUSING ACT, STATE—Continued.

Section

plumbing fixtures—continued	
lavatories or wash basins	17467
local ordinances	15153, 15153.2
sinks and faucets	17580 to 17585
wash basins or lavatories	17467
water-closets—	
buildings erected after August 17, 1923	17501 to 17534
buildings erected prior to August 17, 1923	17480 to 17485
prohibited building or room uses	17700 to 17707
records re apartment houses and hotels	15315 to 15319
repairs, generally	17800 to 17820
room dimensions	16050 to 16063
sanitation, generally	17800 to 17820
semifireproof buildings	17300 to 17304
shafts	16770 to 16776
skylights. See subheading, <i>windows and skylights</i> , below.	
stairways—	
combined fire escapes and stairways	16720, 16720.5
generally	16400 to 16423
new buildings	16430 to 16443, 17303
standpipes	16740 to 16744
transoms	16266.5
vent shafts	16820 to 16835
ventilation—	
air ducts	16800
garages	17080 to 17088
systems	16233 to 16235, 16270, 16271, 16305
violations re maintenance, sanitation, and repair	17900 to 17902
washing machine rooms—	
definition	15031.5
location on lot	15500, 15500.4
water-closets—	
buildings erected after August 17, 1923	17501 to 17534
buildings erected prior to August 17, 1923	17480 to 17485
dimensions	16060, 16061
ventilation	16229, 16234
windows and skylights	16200 to 16305
buildings erected prior to August 17, 1923	16200 to 16204
hallways, public	16261 to 16271
locking appliances	16730
rooms	16221 to 16235
stairways	16300 to 16305
wooden buildings	17320 to 17324.5
yards and courts—	
definitions	15010, 15034
maintenance	17802, 17803
requirements re depth, width, drainage, etc.	15650 to 15750

HOUSING FOR THE ELDERLY, STATE DIVISION OF.

chief—	
appointment and powers	35810, 35940 to 35942, 36000
elderly persons low rent housing finance committee: membership	36000
creation	35810
elderly persons low rent housing fund, withdrawals from	35970, 35972
expenses, contingent, advances for	35972
investment of surplus moneys	35999

HOUSING LAW, STATE. See also HOUSING; HOUSING ACT, STATE.

actions and proceedings	17980 to 17989
appeals board, state housing	17930 to 17941
application and scope	17911, 17950 to 17952
building regulations, local, applicability to	19825 to 19827
enforcement agencies	17952, 17960 to 17966
inspection of premises	17970 to 17972
local ordinances, effect of adoption of	19825 to 19827
rules and regulations	17920 to 17925, 17950
short title	17910
violations	17952, 17980, 17982, 17995

HOUSING, STATE DIVISION OF.

auto courts and resorts—	
approval of construction, etc.	18504, 18504.1, 18710

HOUSING, STATE DIVISION OF—Continued

	Section
auto courts and resorts—continued	
enforcement of provisions	18512 to 18553
nuisances, duties re	18551, 18552
permits and fees	18600 to 18611
stairways, exits, etc., regulation of	18710
earthquake protection, enforcement of provisions re	19124
housing law, state—	
enforcement	17952, 17965
rules and regulations	17920 to 17925, 17950
mobilehomes and mobilehome parks—	
approval of construction, etc.	18006, 18300
enforcement of provisions and rules and regulations	
18010, 18013, 18100 to 18104, 18250, 18355, 18371	
mobilehome parks: duties re nuisances	18102, 18104
permits and fees	18200 to 18214, 18371
rules and regulations	
18010, 18011, 18203, 18250, 18300, 18325, 18355, 18370, 18371, 18425	
motels: regulation of stairways, exits, etc.	18710

HUMAN REMAINS. See DEAD BODIES.**I****ICE.**

bacterial analysis of water use in manufacture	4001
"distributor": definition	4003
food processing establishments, application of provisions re, to ice manu- facture	4005
inspection rules violations	4009
inspections of ice, sources of supply, places of storage, etc.	4008
making or cutting from polluted source prohibited	4000
"plant": definition	4003
pollution and sale violations	4009
pollution of supply, departmental powers re	203
sale, prohibition of, in certain cases	4000, 4006
storage places	4004
tank or container covers	4002
transportation	4006

ILLUMINATION.

apartment houses and hotels	17819, 17820
auto courts and resorts	18876, 18877
food vending vehicles	28643
mobilehome parks	18256, 18370
rented rooms, gas illumination in	19600
restaurants	28544
restaurants, itinerant	28593

IMPROVEMENT ACT OF 1911.

sanitary districts (act of 1919), applicability to	6016 to 6018
sanitary districts (act of 1923), applicability to	6541 to 6543
sewerage and water districts, county, applicability to	5571 to 5575

IMPROVEMENT BOND ACT OF 1915.

sanitary districts (act of 1919), applicability to	6016 to 6018
sanitary districts (act of 1923), applicability to	6541 to 6543
sewerage and water districts, county, applicability to	5571 to 5575

INDIGENTS.

county medical facilities	1440 to 1475
dead bodies unfit for scientific or educational purposes, interments of	7207

INDUSTRIAL RELATIONS, STATE DEPARTMENT OF.

camps, organized, regulation of employment, etc., re	18897.5
industrial safety, division of—	
radiation control law, agreements re evaluation of license applications	
under	25810, 25816
radiation control law, rules and regulations re	25811
radioactive wastes, agreements for inspection, etc., activities re	25606
state housing act enforcement	15255
state housing law enforcement	17952, 17965

NOTE: See also preceding SUPPLEMENTAL INDEX.

	Section
INDUSTRIAL RELATIONS, STATE DIRECTOR OF: atomic energy development and radiation protection, departmental co-ordinating committee on: membership-----	25750
INDUSTRIAL WASTE: pollution or contamination of waters 5410 to 5415, 5460 to	5462
INFECTIOUS DISEASES. See COMMUNICABLE, CONTAGIOUS, AND INFECTIOUS DISEASES; see also QUARANTINE OF DISEASES; TUBERCULOSIS.	
INFLAMMABLE APPAREL, FABRICS, ETC.	
flame-retardant treatment-----	13115, 13119 to 13121, 16713
sale and manufacture restrictions-----	19810 to 19816
INFORMATION, DISSEMINATION OF. See PUBLICATIONS, EDUCATIONAL INFORMATION, ETC.; RECORDS; REPORTS.	
INJUNCTIONS.	
air pollution control violations-----	24252, 24254
bay area air pollution control district violations-----	24360.7, 24368.6, 24368.7
cancer, use of prohibited drugs, devices, etc., in treatment of-----	1712, 1713
clinics and dispensaries: injunctions against violations-----	1235
handicapped persons, establishments for: injunctions against violations-----	1517
hospitals: injunctions against maintaining without license-----	1418
housing, publicly assisted, discrimination in-----	35730
narcotic nuisances, injunction against conducting or maintaining-----	11781 to 11797
nursing or convalescent home violations-----	1418.5
radiation control law violations-----	25850
radioactive wastes, violations of provisions re disposal of-----	25605
sewage disposal violations-----	5412 to 5415, 5460 to 5462
swimming pools, public, as nuisances-----	24107
water pollution or contamination-----	5412 to 5415, 5460 to 5462
water systems for domestic use, operation of, without permit-----	4035
INSECTS. See MOSQUITO ABATEMENT DISTRICTS; MOSQUITO SCREENINGS; PEST ABATEMENT DISTRICTS.	
INSPECTIONS, INVESTIGATIONS, ETC.	
advisory hospital council records-----	431.4
air pollution control officer, by-----	24246
alcoholic rehabilitation-----	427
animals used for medical, etc., research: premises where kept, etc.-----	1662, 1668
apartment houses and hotels, indices of records re-----	15319
auto courts and resorts-----	18550, 18603
bay area air pollution control district engineers, inspection of equipment, etc., by-----	24362.4
blindness prevention program: studies, etc.-----	428
building standards code, state-----	18908
building standards commission, requests for reconsideration of rules, etc., of-----	18905.1
building standards commission, state; records-----	18911
cancer drugs, etc.-----	1704, 1710, 1711, 1713, 1716
canneries-----	28380 to 28403, 28431
cemetery records-----	8111, 8128, 8747.5
cemetery rules and regulations-----	8309
child health-----	301
clinics and dispensaries—	
applications for licenses-----	1212
generally-----	1212, 1213, 1236
clothes cleaning establishments—	
applicants for licenses-----	13311
generally-----	13254
cold storage warehouses-----	28143 to 28145
community land chest corporation property, records, etc.-----	35194, 35195
community redevelopment plans—	
preparation, etc., of-----	33700
rules to implement operation-----	33701
cosmetics suspected of adulteration or misbranding-----	26041
drugs or devices—	
adulterated or misbranded drugs or devices: places where kept-----	26327 to 26330
analyses by state laboratory chief-----	26336, 26337

INSPECTIONS, INVESTIGATIONS, ETC.—Continued

	Section
drugs or devices—continued	
factories, warehouses, vehicles, etc.	26294, 26327 to 26330
new drugs or devices for investigational use, inspection of records re	26292
samples of suspected drugs	26324
venereal disease prescriptions: by state department of public health	26271
elderly persons low rent housing bonds, books and papers re	36003
explosive sales, etc., records	12112
explosives, vehicles transporting	12104
fire advisory board, state: records	13141.2
fire districts, local, books of	14105
fire marshal, state: fire protection districts (law of 1961), law re forma- tion, etc., of	13813
fire protection: inspections of buildings and premises	13109, 13146.3, 13146.5
fire protection districts (law of 1961)—	
books	13866
ordinances	13870
fireworks, applications for permits, etc.	12602, 12605, 12714
food processing establishments, etc.	26518.5, 28296, 28333
foods—	
examinations and analyses by state laboratory, etc.	26558, 26560, 26561
health districts, local, inspections by	936
places where suspected foods exist	26548, 26553
sanitarians, by	540 to 542
frozen food locker plants	28703, 28716
handicapped persons, establishments for	1508
health districts, local: power re inspection of water, milk, meat, and other foods	936
health inspections of schools	936
hospital records	1416
hospital survey and construction	431.1, 432.8
hospitals	1407, 1416, 1419
housing act, state, administration	15270 to 15272
housing authority records, etc.	34283
housing law, state—	
housing appeals board records	17940
premises	17970 to 17972
ice for human use or consumption: sources of supply, places of storage, etc.	4008
flammable clothing, materials, etc., places of sale or manufacture of	19811, 19812
jails, etc., county: health and sanitary investigations	459
laboratories, bacteriological and chemical, examinations by	1000
limited dividend housing corporation property, equipment, books, etc.	34904
local health officers, California conference of: records	1110.2
mausoleums and columbariums: construction inspection	9590 to 9592
mobilehomes and mobilehome parks	18100, 18101, 18204
narcotics—	
addicts: places of mutual aid	11391
offenders, registration records of	11853
prescribers' records	11226, 11228
prescription blanks retained by prescribers	11166.10
prescriptions	11177
records, generally	11228
records of lophophora stocks, etc., for research, instruction and analysis	11332
violation fines and imprisonments, records of	11688
written orders and blank forms re sale without prescriptions	11573
packing materials, infected	3752
physically handicapped children	252, 252.5
police protection districts (unincorporated towns), books of	20079
pollution of waters: by public health department	5413
post mortem examinations	7205, 7206
public health, state board of: records	103.2
public health, state department of—	
alcoholic rehabilitation	427
child health	301
communicable disease prevention and control	3051
general powers and duties	200 to 203, 252, 252.5
hazardous substances	28764, 28781, 28783, 28789
radioactive wastes	25606
sewage and industrial waste: pollution	5413
special investigations	211
tuberculosis records	3287
venereal diseases, conditions affecting prevention and control of	3182

NOTE: See also preceding SUPPLEMENTAL INDEX.

INSPECTIONS, INVESTIGATIONS, ETC.—Continued.		Section
rabies control	1902 to 1904,	1908
radiation control	25810 to 25820, 25835, 25875,	25876
radiation sources documents, withholding of, from public inspection		25815
radioactive wastes		25606
recreational areas adjoining domestic water supplies		4471
restaurant act, California	28563, 28688, 28691,	28693
rodents	1800 to	1806
sanitary districts (act of 1923)—		
codes or specifications controlling construction, etc.		6491.1
private property, power to enter		6523.2
schools—		
fire protection inspections	13146.3,	13146.5
health inspections		936
sewage disposal permits		5427
sewage disposal provisions, powers of state department re violations of		5441
spotting, sponging, and pressing establishments		13554
swimming pools, public	24104,	24105
tuberculosis: by local health officers		3285
unclaimed dead, records of: by state or county officials or prosecuting attorney		7201
venereal disease: inspections by local health officers		3195
vital statistics records—		
adopted children	10434,	10439
birth records of legitimated children	10444, 10445,	10447
special county records, certain		10066
vital statistics violations		10027
walnut packing, etc., premises		28333
water systems for domestic use, by state board	4014, 4015,	4030
wiping rags		3902

INSTITUTIONS. See also HOSPITALS; TUBERCULOSIS.

public—		
fire protection rules and regulations	13108, 13143,	13143.5
medical institutions, minimum standards of safety and sanitation for		1422
physically handicapped children, facilities for services for		267
unclaimed dead, duties re	7200,	7201
public and private—		
fire alarm or automatic sprinkler system, installation and maintenance of	13113 to	13114.5
fire prevention rules and regulations	13143,	13143.5
records re inmates		10007
unidentified children, reports and duties re	10150 to	10154

ITINERANT RESTAURANTS. See RESTAURANTS.

J

JAILS.

fire prevention rules and regulations	13143,	13143.5
inspection of sanitary conditions		459

JOINT MUNICIPAL SEWAGE DISPOSAL DISTRICTS. See SEWAGE DISPOSAL DISTRICTS, JOINT MUNICIPAL.

JOISTS: housing act provisions	17256, 17264 to	17267
--------------------------------	-----------------	-------

JUDGES AND JUSTICES.

air pollution control districts: contempt proceedings	24318,	24319
fire protection district ordinance violations		14689
narcotic violation fines and imprisonments, duties re	11681 to	11688
vital statistics, duty to supply information re		10005

JURY DUTY: exemption of firemen and fire company members	14855
--	-------

JUSTICE, DEPARTMENT OF: narcotic addicts, powers and duties re rehabilitation control and testing of	11729,	11730
--	--------	-------

K

KITCHENS.

auto courts and resorts—	Section
ceiling height, etc.	18664
definition	18508.1
toilets or bathrooms, separation from	18667
windows	18677
cabinet units, installation of, in sleeping rooms	17702
definition: state housing law	15022
floor areas: apartment houses and dwellings	16054
food processing establishments	28283 to 28285, 28294
gas ranges in: vents	16903
hot plates: installation, etc., in buildings	17708
partitions	17702.5
restaurants	28541
sinks	17580 to 17584
use for living or sleeping purposes	17702, 17702.5
windows and ventilation	16221 to 16235, 18677

KOSHER MEAT: enforcement of regulations by state department of public health	214
---	-----

L

LABELING. See **DRUGS; FOODS; HAZARDOUS SUBSTANCES, LABELING OF.****LABORATORIES.** See also **CLINICS AND DISPENSARIES; LABORATORIES, CHIEF OF STATE DIVISION OF.**

bacteriological and chemical: county or city	1000 to 1002
biological—	
equipment, minimum standards for	1604
licenses	1605, 1607 to 1615
biologics, exemptions from law applicable to	1622
cancer drugs, etc., investigation or testing of	1711
drugs, dangerous, etc.: exemption of certain licensees from labeling provisions	25903
lophophora substances, use, of	11332
motor vehicle pollution control devices, testing, etc., of	24397, 24398
public health department, state, maintenance by	374
state laboratory for analyses and examinations of foods, drugs, devices and cosmetics	26558

LABORATORIES, CHIEF OF STATE DIVISION OF. See also **DRUGS; FOODS; LABORATORIES.**

drugs and devices—	
examinations and analyses of	26336, 26337
reports re adulteration or misbranding	26337, 26343, 26344
foods—	
reports to state board	26567
suspected foods, examinations and analyses of	26560, 26561

LAKES: recreational use of waters used for human consumption 4470 to 4471.4**LAMB:** unlawful advertising, etc. 26516.5**LIABILITY.** See **ACTIONS AND PROCEEDINGS; DAMAGES; PENALTIES, FINES, ETC.****LICENSES, PERMITS, ETC.** See also **CERTIFICATES,** and cross-references.

air pollution control	24245.1, 24263 to 24265, 24267 to 24282
atomic energy, materials, etc., certain, manufacture, etc., of	25770, 25771
audiometrists	1685, 1686
auto courts and resorts	18600 to 18611
autopsy, performance of	7114
biological laboratories	1605, 1607 to 1615
building permits. See HOUSING ACT, STATE.	
burning, open, in air pollution control districts	24245.1
cancer, treatment of	1706
canneries	28410 to 28430
cemetery licensee: suspension, etc.	8574
clinics and dispensaries. See CLINICS AND DISPENSARIES.	
clothes cleaning establishments	13300 to 13312

NOTE: See also preceding **SUPPLEMENTAL INDEX.**

LICENSES, PERMITS, ETC.—Continued.

	Section
cold storage warehouses	28120 to 28127, 28720
convalescent homes	1400 to 1407, 1412 to 1418.5
dead bodies: burial, cremation, and removal permits	7501
dental health, division of: employees	355
dogs	1920
drugs or devices, new, permits to sell and distribute	26288 to 26292
earthquake protection	19130 to 19138
explosives, permits to receive	
12000.5, 12100, 12101 to 12108, 12109.5, 12111.5,	12115
fire extinguishers, sales, etc., of	13162 to 13168
fire hazards, apartment house or hotel, permits re	17815
fireworks	12555, 12600 to 12666, 12708, 12755
flammable materials, burning of	13876
food manufacturers, processors, etc., during temporary periods of special regulation	26473 to 26476
food processing establishments	28313, 28331
frozen food locker plants	28149, 28701 to 28704, 28712, 28720 to 28722
handicapped persons, establishments for	1500 to 1517
horse meat: slaughtering, distribution, importation	28003, 28013
hospitals	1400 to 1407, 1412 to 1418
human remains, permits for disposition of	10375 to 10384
inflammable material, brush, etc., burning of	14112
locker plants	28117, 28149, 28701 to 28704, 28712, 28720 to 28722
marriage licenses: forms	10300
maternity homes	1400 to 1407, 1412 to 1418
mausoleums and columbariums	9550 to 9580
mobilehome parks	18200 to 18214
nursing homes	1400 to 1407, 1412 to 1418.5
olive oil	28478 to 28480
pharmacists: revocation upon narcotic convictions	11717
plumbing: noninstallation of required fixtures	17452
radioactive materials, sources, devices, etc.	
2580.5 to 25816, 25831, 25845, 25855, 25870 to 25876	
reservoirs opened to public fishing	4463, 4470.1, 4470.2
sanitarians	541, 542
sanitoriums	1400 to 1407, 1412 to 1418
septic tanks, cesspools and seepage pits, persons engaged in business of cleaning	25001 to 25010
sewage disposal permits	5421 to 5442
walnut shelling, packing, etc.	28330 to 28339
water supply permits for public fishing, etc.	4463, 4470.1, 4470.2
water system for domestic use, permit to operate	4010 to 4024
wiping rag business	3950 to 3952

LIENS.

community land chest corporation mortgages or trust deeds	35234
community redevelopment agencies: enforcement against agencies	33017
frozen food locker plant charges	28718
housing act, state, fines for violations of	17820 to 17829, 17902
mosquito abatement district abatement costs	2284 to 2289
motor vehicle repair charges, exemption of liens for, from narcotics forfeitures	11621
narcotic nuisance abatement costs	11789
narcotic nuisance abatement proceeding fines	11797
rodent eradication expenses: recordation, action to foreclose, limitation, etc.	1808 to 1812
sanitary district (act of 1923) taxes	6747, 6787
sanitation and sewerage service charges	5473.5, 5474, 5474.5
sewage disposal district charges for	5800.15 to 5800.19
sewer connection costs	5463
sewer revenue bonds, districts issuing: rates for leased works	5061
weeds: assessments for costs of abatement	14912

LIFE SAVING DEVICES.....24000 to 24004, 24101.3

LIFEGUARD SERVICE24100.1, 24101.4

LINENS. See BEDDING, BEDS, LINENS, ETC.; TOWELS, COMMON.

LIVESTOCK. See ANIMALS.

LOBBYING: sanitation districts, county 4765

LOCAL AGENCIES. See GOVERNMENTAL AGENCIES.

Section

LOCAL FIRE DISTRICTS. See FIRE DISTRICTS, LOCAL.	
LOCAL HEALTH DISTRICTS. See HEALTH DISTRICTS, LOCAL.	
LOCKER PLANTS -----	28117, 28149, 28700 to 28726
LOPHOPHORA. See NARCOTICS.	
LUMBER DIMENSIONS: housing act provisions-----	17268, 17269

M

MAGISTRATES. See JUDGES AND JUSTICES.	
MAIL: service or notice of communicable disease prevention and control orders, etc.-----	3002
MARIJUANA. See NARCOTICS.	
MARRIAGE, ANNULMENT OF: filing reports of decrees-----	10000, 10360
MARRIAGE CERTIFICATES. See MARRIAGE REGISTRATION.	
MARRIAGE REGISTRATION. See also VITAL STATISTICS; VITAL STATISTICS REGISTRAR, STATE; VITAL STATISTICS REGISTRARS, LOCAL.	
certificates—	
amendment -----	10400 to 10404
certified copies -----	10557, 10558, 10575 to 10577, 10580
contents -----	10350
delayed certificates -----	10550 to 10558
general provisions -----	10300
race or color, prohibition against containing reference to-----	10350
registration -----	10000, 10325
requisites -----	10004
transcripts -----	10580
duty of registering -----	10000, 10325
forms -----	10300

MATERIALS, BUILDING.	
housing act requirements -----	17259
housing law, state, requirements -----	17923, 17951
mausoleums and columbariums -----	9625 to 9647, 9650 to 9654

MATERNITY HOMES.	
hospital, inclusion in definition of -----	1401
"hospital", use of name -----	1401.5

MAUSOLEUMS AND COLUMBARIUMS. See also CEMETERIES.	
cemetery districts, public, acquisition by-----	8961.7
community: structural and material requirements-----	9625 to 9647
construction—	
general provisions -----	9600 to 9603
structural and material requirements-----	9625 to 9647, 9650 to 9654
crypts, sale, etc., of -----	8573, 8574
definitions and general provisions -----	9501 to 9512
endowment care cemetery corporations, merger, etc. with-----	8748
enforcement of provisions-----	9525 to 9528
inspection and approval -----	9590 to 9592
permits and plans—	
application and plans-----	9560 to 9565
cancellation of permit -----	9575
certification of occupancy-----	9591, 9592
expiration of permit -----	9586
general provisions -----	9550
private: structural and material requirements-----	9650 to 9654

MEAT. See also FOODS.	
adulteration, misbranding, etc.-----	26472, 26516.4 to 26516.8
canneries. See CANNERIES.	
chopped or ground meat: adulteration-----	26472

NOTE: See also preceding SUPPLEMENTAL INDEX.

MEAT—Continued	Section
district inspectors, qualifications of	941
frozen food locker plants	28700, 28710.5
grade, quality, kind, etc., misrepresentation of	26516.4 to 26516.8
ham: adulteration, etc.	26472, 26516.5
hamburger: adulteration	26472
horse meat	28000 to 28015
kosher meat regulations: enforcement by state department of public health	214
labeling, etc.	26516.4 to 26516.8
lamb: advertising	26516.5
mutton: advertising	26516.5
perishable canned meats, etc., refrigeration and labeling of	26516.7
rabbit, imported wild: sale or use as food	26464
sales, etc.	26516.4 to 26516.8, 28710.5
sausage: adulteration	26472
MECHANICS' LIENS: housing act violations, fines for	17902
MEETINGS, PUBLIC.	
advisory hospital council	431.3
atomic energy development and radiation protection, advisory council on	25763
atomic energy development and radiation protection, departmental co-ordinating committee on	25751
building standards commission, state	18910
fire advisory board, state	13141, 13141.1
hospital committees, local	431.7
housing authorities	34283
local fire district commissioners	14062, 14063
local health officers, California conference of	1110.1
motor vehicle pollution control board	24385.5
public health, state board of	103.1
MENTAL HEALTH SERVICES	420
METROPOLITAN FIRE PROTECTION DISTRICTS. See FIRE PROTECTION DISTRICTS, METROPOLITAN.	
MICROFILMING: vital statistics records	10036
MILEAGE. See COMPENSATION, SALARIES, WAGES, ETC.	
MITITARY DUTY.	
exemption of firemen and fire company members	14855
veterans' preference in housing authorities projects	34322.2
MILK. See also FOODS.	
health districts, local, inspections by	936
laboratories, county or city, examinations by	1000
sale or distribution when communicable disease occurs on premises of milk dealer, etc.	3120
vending machines using milk products: sanitation	28666
MINORS. See also BIRTH REGISTRATION.	
audiometric tests	1685, 1686
boarding home care, county contracts for	1451
children's homes, etc., installation and maintenance of fire protection equipment in	13113 to 13114.5
explosives, sale, etc., to	12101.5
finding of unidentified child less than one year of age, certificate of, etc.	10150 to 10154
health program maintained by state department of public health	300 to 303
hearing, testing of	1685, 1686
narcotic treatment-control units, detention in, of parolees addicted, etc., to narcotics	11752
narcotics, employment or using of minors in unlawful transportation, sale, etc., of	11502, 11502.1, 11532, 11715.6, 11715.7
physically handicapped children, services for	249 to 271
surname of child, registration of change in	10460, 10461
MISBRANDING. See COSMETICS; DRUGS; FOODS; HAZARDOUS SUBSTANCES, LABELING OF.	
MISDEMEANORS. See CRIMES.	

Section

MOBILEHOMES AND MOBILEHOME PARKS. See also AUTO COURTS AND RESORTS.

accommodations: prohibition	18279
application and scope	18010 to 18013
building construction	18300
camp cars: applicable provisions	18002, 18011
coaches, trailer. See subheading, <i>mobilehomes</i> , below.	
definitions and scope	18000 to 18009
enforcement of provisions and rules and regulations	
18010, 18013, 18100 to 18104, 18250, 18300, 18325, 18355, 18370, 18371, 18425	
exemptions from provisions	18012, 18013, 18105
garbage and rubbish disposal	18375 to 18379
lavatories	18350, 18351, 18364
local regulation	18010, 18011, 18300, 18325, 18372
lots, mobilehome	18276 to 18279
maintenance and sanitation, etc.	18375 to 18379
mobilehome parks—	
animals running at large, prohibition against	18252
driveways, fronting of trailer sites upon	18278
floors	18354, 18357, 18360
illumination	18256, 18370
laundry facilities	18359 to 18363
permits and fees	18200 to 18214
registers	18251
toilets	18256, 18276, 18350 to 18355, 18358, 18364
mobilehomes—	
accommodations: site requirement	18279
insignia of approval	18371
land, unlawful use of	18254
location	18276, 18277
occupancy	18250, 18254, 18376, 18377, 18379
parking upon highways	18255
plumbing, heating and electrical equipment	18371, 18372
rental, unlawful	18253
sales	18371, 18372
sites: yard areas, etc.	18276 to 18279
toilets	18001.2, 18355
trailer coaches: inclusion in definition	18001
use, generally	18250, 18253 to 18255, 18355, 18376, 18377, 18379
plumbing, sanitation, etc.	18325 to 18366, 18371 to 18379
regulation, local	18010, 18011, 18300, 18325, 18372
trailer coaches. See subheading, <i>mobilehomes</i> , above.	
violations	18010, 18102, 18103, 18200, 18203.5, 18210 to 18213, 18250, 18253 to 18255, 18355, 18371, 18377, 18475

MONOSODIUM GLUTAMATE 26472**MORPHINE. See NARCOTICS.****MOSQUITO ABATEMENT DISTRICTS. See also PEST ABATEMENT DISTRICTS.**

abatement of breeding places	2270 to 2289
annexations—	
alternative procedure	2333.5, 2333.6
boundaries	2332 to 2342
cities, inclusion of	2331
hearing	2334 to 2341
notice of hearing	2332 to 2333.6
order of annexation	2338 to 2342
petition	2331 to 2337, 2340
territory	2330, 2333.6
trustees, board of, effect on	2343
claims against districts	2320
compensation to owners for necessary damages	2270
consolidations—	
authorization	2360
effect	2369, 2370, 2372 to 2375
name of consolidated district	2362, 2367, 2371
order of consolidation	2367, 2368
resolution proposing consolidation	2361, 2362, 2367, 2371
definitions and general provisions	2200 to 2206

NOTE: See also preceding SUPPLEMENTAL INDEX.

MOSQUITO ABATEMENT DISTRICTS—Continued.

Section

dissolution—		
certificate of dissolution	2392,	2393
election	2390 to	2392
indebtedness, outstanding		2398
property, vesting of	2394 to	2397
district investigation act [law] of 1933, exemption from		2206
elections. See ELECTIONS.		
finances and taxation	2270, 2290, 2300 to	2312
formation—		
by petition of voters	2210 to 2215, 2216 to	2224
by resolution of board of supervisors	2215.5,	2216
funds	2270, 2290, 2300, 2309 to	2312
name, change of	2225,	2226
property—		
acquisition		2270
dissolution, vesting upon	2394 to	2397
generally		2270
rat extermination	2290,	2291
taxation and finances	2270, 2290, 2300 to	2312
trustees, board of—		
annexations, effect of		2343
appointment, qualifications, term, etc.	2240, 2242 to	2246
compensation		2248
consolidation—		
duties re	2361,	2362
effect of	2369,	2370
meetings	2247, 2250 to	2253
name		2241
rat extermination, duties re		2291
secretary, compensation of		2249
warrants		2270
withdrawal of territory included within city	2350,	2351

MOSQUITO CONTROL.

mosquito-borne disease, study of	2425
state participation	2426

MOSQUITO SCREENING: housing act provision	17808
---	-------

MOTELS.

auto court and resort provisions, application of	18512
definitions	18501, 18502
exemption from provisions re state housing law	18880
generally	18500 to 18880
mobilehomes and mobilehome parks, applicability of provisions re	18013
permits and fees	18600 to 18611

MOTION PICTURES: fireworks, licensing for use of	12555
--	-------

MOTOR VEHICLE POLLUTION CONTROL BOARD

24383 to 24388, 24397, 24398

MOTOR VEHICLES. See also AUTO COURTS AND RESORTS; GARAGES; MOBILEHOMES AND MOBILEHOME PARKS.

air contaminant control devices, etc., standards for	24263.7
air contaminants, enforcement of provisions re emission or control of	24224, 24231, 24246
air pollution control, certified devices for	24378 to 24397
department of: use of epilepsy, etc., reports	410
director of: membership on motor vehicle pollution control board	24383
emissions, standards for	426.5
explosives, transportation of—	
inspection	12104
signs	12113, 12114
fireworks, exemption of signal or illumination torpedoes, etc., from provisions re	12762
fireworks, illegal transportation of	12713
food vending vehicles, exemption of, from certain refrigeration provisions	26516.7
forfeiture for transportation of narcotics	11610 to 11629
parking re recreational use of domestic water supplies, charges for	4471
pollution control board, motor vehicle: creation in state department of public health, powers, duties, etc.	24383 to 24388, 24397, 24398
registration: pollution control certified devices as condition	24390 to 24393
restaurants, itinerant, sanitation and health requirements for	28523, 28640 to 28650, 28686 to 28688

MULE MEAT. See **HORSE MEAT.**

MUNICIPAL CORPORATIONS. See also **ATTORNEYS, CITY; FUNDS; GOVERNMENTAL AGENCIES; ORDINANCES.**

air pollution control, local	24247 to 24249, 24360.3 to 24360.5, 24365.11
annexed territory, inclusion of, in sanitary district	6887
bakeries, regulation of	28190
bonds for sanitation and sewerage systems, payment of	5471
building regulations, local	17951, 19825
cemeteries, nonendowment care: abandonment as place of future interment	8825 to 8829
cemeteries, public	8126 to 8130, 8133, 8134
charges—	
fire extinguishment services extended by other government agencies	13051, 13052
rabies control, expenditures for special measures	1917
rodent eradication	1807, 1917
community redevelopment—	
chartered cities	33231.5
displaced occupants, housing for	33738, 33739
general obligation bonds, issuance, etc., of	33881.5, 33881.6
contracts—	
fire protection services	13052.5, 14202, 14408, 14548
garbage disposal	4250
health administration	480 to 484
sewer maintenance agreements	6006, 6530, 6530.1
dentists and dental hygienists: employment, qualifications, etc.	702 to 703
earthquake protection. See EARTHQUAKE PROTECTION.	
explosives, enforcement of provisions re, by chiefs of fire departments, etc.	12000.5
fees, charges, etc., for sanitation and sewerage systems	5471 to 5474.10
fire and panic protection, rules and regulations re, etc.	13140, 13143 to 13146.5
fire hazards on state property, requests for abatement of	13104.5
fire prevention, etc., use of certain funds for	14549
fire protection districts. See FIRE PROTECTION DISTRICTS.	
firemen, civil service rights of, upon inclusion of city territory in county	
fire protection district	14451.1
fireworks, provisions re	12600 to 12609, 12754
garbage disposal districts, inclusion in	4105, 4139
governing bodies—	
fire protection districts, county, powers and duties re termination of contracts with	14408
fire protection districts (law of 1961)—	
directors—	
appointment	13831, 13838, 13839
election where tie	13834
garbage and refuse dumps, consent for acquisition, etc., of	4260
garbage dumps, sanitary district (1923), approval of	6512
housing projects, prohibited interest in	34328.2
sanitary districts (1919): duties re dissolution	6343 to 6347
health administration—	
county administration, provisions for	476 to 484
generally	500 to 510
state aid	1100 to 1157
health, board of: appointment of advisory board to health officer	501
health districts, local, annexations to and inclusions in	903, 904, 919, 958, 964
health nurses, employment of	600 to 601
health officers—	
generally	500 to 510
jail, etc., inspection of sanitary conditions in	459
hospital districts, local, vesting of funds upon dissolution of	32009
housing. See COMMUNITY REDEVELOPMENT; HOUSING; HOUSING ACT, STATE.	
housing projects, prohibited interest of governing body members in	34328.2
joint sanitary sewage facilities, flood control works, etc., co-operative agreements for	4614.15
laboratories, bacteriological and chemical: establishment and maintenance	1001
loans for sanitation and sewerage systems, payment of	5471
mobilehomes: exemption from local ordinances re plumbing, etc., standards	18372

NOTE: See also preceding **SUPPLEMENTAL INDEX.**

MUNICIPAL CORPORATIONS—Continued.

Section

mobilehomes and mobilehome parks—		
enforcement of provisions	18100, 18101,	18104
local regulation	18010, 18011, 18300, 18325,	18372
nuisances, duties re	18102 to	18104
permits and fees	18200 to	18214
mosquito abatement district territory, withdrawal of, upon inclusion within city	2350,	2351
mosquito abatement districts, inclusion in	2211, 2220,	2331
ordinances. See ORDINANCES.		
parks, pioneer memorial: maintenance, etc.	8828,	8829
parks, public, inclusion of, in limited dividend housing corporation projects		34809
rabies control. See RABIES.		
restaurants, etc., regulation of		28693
rodent eradication	1804 to	1808
sanitarians, employment of	540 to	542
sanitary districts (act of 1923)—		
bonded indebtedness, etc., of territory annexed to city	6915,	6916
merger of district with city, preclusion of, under certain circumstances		6531
sanitary rules and regulations, adoption of		500
sanitation and sewerage system fees, charges, etc.	5471 to	5474.10
sanitation districts, county—		
inclusions in		4711
withdrawals from	4845.05 to	4845.13
sanitation or sewerage system fees, charges, etc.	5471 to	5474.10
sewage disposal districts, regional, consent to inclusion in		6030
sewer districts (act of 1899): connection of sewerage systems	4663 to	4666
sewer districts, municipal (act of 1911). See SEWER DISTRICTS,		
MUNICIPAL (ACT OF 1911).		
sewer maintenance agreements with regional sewage disposal districts		6006
sewer maintenance agreements with sanitary districts (act of 1923)	6530,	6530.1
sewer maintenance districts—		
consent to inclusion in districts	4870,	4895
inclusions of districts	4921 to	4926
taxes, payment of	4891,	4892.1
sewer revenue bonds. See SEWER REVENUE BONDS.		
sewerage and water districts, county, withdrawal from	5645.05 to	5645.13
spotting, sponging, and pressing establishments, inspection of		13554
trailer coaches—		
exemption from local ordinances re plumbing, etc., standards		18372
ordinances re occupancy		18251
tuberculosis subsidy, state, offsets from		3300.1
tuberculosis wards, hospitals, etc., establishment and maintenance of	3294, 3298 to	3300
water supplies, domestic—		
elections to determine recreational use	4470.2,	4470.4
regulation	4010 to	4035

MUNICIPAL SEWER DISTRICTS. See SEWER DISTRICTS, MUNICIPAL.

MUTTON: unlawful advertising, etc. 26516.5

N

NAMES.

auto courts and resorts and motels: notices of change		18604
birth certificates—		
adopted children		10433
change of name	10460,	10461
legitimated children		10442
supplemental name reports	10420 to	10422
fire districts, local, change in names of		14115
fire protection districts, county: change of name		14454
fire protection districts in one or more counties: change of names	14759.1 to	14759.8
garbage disposal districts, consolidated		4165.6
health districts, local		918
"hospital": use of name or title		1401.5
hospital districts, local, change of names of		32137
mobilehome parks: change in names	18202,	18207
mosquito abatement district boards of trustees		2241
mosquito abatement districts, change of names of	2225,	2226
pest abatement districts, selection of names for		2831
sanitary districts, consolidated (act of 1923)	6893,	6893.1
sewer maintenance districts, change of names of		4887.5

NARCOTICS. See also DRUGS.

	Section
addicts—	
examination of patients by state division	11104
parole	11722, 11751 to 11753
periodic tests as condition of probation or parole	11722
prescriptions, other than in course of treatment	11162.5
probation	11721, 11722
punishment	11721
rehabilitation—	
places of mutual aid	11391
state policy	11728
studies by department of justice	11730
tests for addiction—	
criminal offenses, suspects arrested for	11723
local agencies, assistance to, by department of justice	11729
procedures to determine	11722 to 11730
studies, etc., by department of justice	11730
treatment	11390 to 11395
aliens, arrests of	11715.5
chiroprodists, regulations re	11000, 11570, 11571
criminal proceedings: dismissal of allegations of fact	11718
definitions	11000 to 11016
dentists, prescribing, etc., by	11000, 11161, 11500, 11501, 11570, 11571
division of narcotic enforcement—	
chief—	
appointment and compensation	11101
expenditures for obtaining evidence	11106
lophophora: approvals of use, etc., in laboratories	11332
new narcotics, addition of, by rule	11002.1
special counsel, employment of and fixing of compensation of	11680
examination of patients	11104
employees, generally	11103
generally	11100 to 11107
gifts for medical purposes	11655
inspectors, qualifications of	11103
lophophora: inspection of records re research, etc.	11332
physician: employment, duties, right to testify	11104
prescription blanks, furnishing of	11166.05, 11166.07
enforcement—	
abatement of buildings or places used for or in unlawful sale, transportation, storing, etc.	11780 to 11797
peace officers, certain: immunity from prosecution	11710
penalties, fines, etc.	11681 to 11718
prosecutions and disposition of fines	11680 to 11688
seizure and disposition—	
destruction or disposition by gift for medical purposes by state division	11651 to 11657
narcotics and opium pipes illegally possessed, seizure of, by peace officers	11650
order of destruction upon conviction	11651
vehicles transporting narcotics, forfeiture of	11610 to 11629
hospitals, emergency	11331.5
illegal sale, possession, administration or transportation, etc.	11500 to 11533, 11540
importation	11501, 11531
in lieu materials, sale, etc., of	11503
investigation funds, recovery of	11680.5
labeling regulations of drugs containing certain narcotics	26254
lophophora—	
cultivation: penalties	11540
definition	11001
research, etc., use for	11332
marijuana—	
cultivation, possession, etc.	11530
definitions	11001, 11003.1
gifts for research, etc.	11655
minors, employing, etc., of, in unlawful transportation, sale, etc.	11532, 11715.6
possession for sale	11530.5
sale, transportation, administration, etc.	11531, 11532
transportation, sale, etc.	11531, 11532
medical use other than treatment of addicts	11330, 11655

NOTE: See also preceding SUPPLEMENTAL INDEX.

NARCOTICS—Continued.**Section**

minors, employment or using of, in illegal transportation, sale, etc.	11502, 11502.1, 11532, 11715.6, 11715.7
motor vehicle forfeitures, exemption of liens for repair charges from	11621
new narcotics	11002.1
noscapine: exemption	11166.12, 11200
opium: possession of opium pipe, device, etc.	11555
patients: duty to submit to interview and examination by division of narcotic enforcement	11104
peyote. See subheading, <i>lophophora</i> , above.	
pharmacists: revocation of registration upon narcotic conviction	11717
physicians—	
employment by state division of narcotic enforcement	11104
prescribing, etc.	11000, 11161, 11163.5, 11500, 11501, 11570, 11571
reports	11395, 11425, 11426
possession, illegal	11500, 11500.5, 11530, 11530.5
prescriptions—	
blanks, official—	
emergency use of other than official blanks	11166.08
form, numbering, printing, color, paper, etc.	11166.05, 11166.06
furnishing, free of cost, by division of narcotic enforcement	11166.05, 11166.07
mandatory use	11166.08, 11166.12
number furnished	11166.07
triplicates, use of	11166.09 to 11166.11
copies	11250
emergency use of other than official blanks	11166.08
exempt narcotics	11166.12, 11200, 11201
exemption of orders for hospital patients	11166.01
generally	11161 to 11177, 11500, 11501, 11715
handwriting, must be wholly written in	11166, 11166.02
hospital patients, orders for	11166.01
liability for improper prescribing and dispensing	11162.5
physicians, surrender of privileges by	11163.5
prescribers' records	11225 to 11228
refilling	11275
sales, permitted, without prescriptions	11570 to 11576
telephone orders	11172
triplicate copies, regulations re	11166.09 to 11166.11
unlicensed person practicing medicine as student or instructor, filling of prescriptions written by	11161.1
veterinarians	11161, 11450, 11451
who may write	11161
writing, manner of	11166, 11166.02, 11166.09, 11166.12
registration of offenders	11850 to 11853
resorts, prohibitions against visiting, maintaining, etc.	11556, 11557
sale without prescription, etc.	11500.5 to 11503, 11530.5 to 11532, 11570 to 11576
transportation, illegal	11501, 11502 to 11503, 11531, 11532
treatment-control units in state correctional institutions	11750 to 11754
unlicensed person practicing medicine as student or instructor: designation as physician for purposes of narcotics provisions	11000, 11161.1
veterinarians, regulations re	11000, 11161, 11450, 11451, 11500, 11501, 11570, 11571
violations. See also subheading, <i>enforcement</i> , above.	
generally	11710 to 11721
visit, etc., to place where narcotics unlawfully smoked or used	11556

NATURAL RESOURCES, DIRECTOR OF

approval of exercise of supervision, etc., over county fire protection districts by chief of division of forestry	14470
atomic energy development and radiation protection, departmental co-ordinating committee on, member of	25750

NEWSPAPERS

notices, publication of. See NOTICES, PUBLICATION OF.	
vital statistics records, search of: fee exemption	10607

NIGHT CLUBS: flame-retardant requirement for drapes, curtains, etc. 13119, 16713

NONPROFIT CORPORATIONS, ASSOCIATIONS, ETC.

alcoholic rehabilitation programs: state assistance, etc., to voluntary non-profit organizations	427.1, 427.2
buildings used by, for seasonal recreation purposes, exemption of, from state housing act compliance	15151.3, 15256
community land chest corporations	35235

NONPROFIT CORPORATIONS, ASSOCIATIONS, ETC.—Continued	Section
housing for the elderly, loans for	35940 to 35943
restaurant act exemption	28522
NONRESIDENTS.	
cemetery districts, public, burial in	8961.1
physically handicapped children, payments for services to	258.5
NOTICES (POSTING, MAILING, ETC.). See also NOTICES, PUBLICATION OF; REPORTS; SIGNS.	
air pollution control districts—	
hearings on permits	24275
hearings on rules and regulations	24261
hearings on variances	24295, 24299, 24300
animals used for medical research, persons keeping: certificate of approval, notice of refusal to grant	1667
auto courts and resorts—	
name or ownership, change in	18604
violations	18512, 18608, 18609
bakeries: violations	28250
bay area air pollution control district—	
city selection committee meetings and appointments to district board	24351.3
variances, hearings re	24365.4, 24365.7 to 24365.9
biologic laboratory licenses, notices re	1611
building standards commission: regulations of state agencies, changes in	18904
buildings unfit for use	17823
cemeteries—	
abandonment	9205 to 9209
dedication, removal of	8581
petitions re alteration, replatting, etc., of old cemeteries	8708
cemetery districts, public: abandonment of plots, hearings re	9304
communicable disease prevention and control orders, etc.	3002
community redevelopment project areas—	
assesseees, etc., notices to, of hearings re amendment of plans	33747
assesseees, statement to, re acquisition of property	33700
building permits, notice to applicants for	33749
redevelopment plans, hearings re adoption of	33700
dead bodies—	
disinterment and removal—	
applications to court, notices of, to cemetery authorities and others	7527
intention, notice of	7736 to 7739
notice to heirs-at-law	8001
special notices to relative or friend	7753
interment, hearings on petitions for orders directing	7107
drugs—	
adulteration or misbranding, hearings re	26340
new drugs or devices, effectiveness of applications to sell, etc	26289, 26290
regulations, hearings re	26323
seized or quarantined—	
condemnation proceedings	26366
release proceedings	26366.5
sale or disposal	26362
suspension of application	26290.5
violations by persons residing out of state: notice by district attorneys to attorney general of United States	26303
violations, minor	26332
fire districts, local: elections	14131
fire protection districts, county—	
contracts with cities, elections re termination of	14408
dissolution elections	14585 to 14589
formation elections	14426, 14427, 14430
formation hearings	14412 to 14415
ordinances	14461
withdrawals	14551, 14565
zones, special fire protection, creation of	14598.2
fire protection districts (in one or more counties)—	
annexation hearings	14745
change of name	14759.5
directors, elections for	14655
inclusions of territory	14725
ordinances	14687
special fire protection zones: hearings	14714, 14717

NOTE: See also preceding SUPPLEMENTAL INDEX.

NOTICES (POSTING, MAILING, ETC.)—Continued.

	Section
fire protection districts (in one or more counties)—continued	
transfer of territory from one district to another: hearing	14755, 14756
withdrawal of territory	14779
fire protection districts (law of 1961): organization, proposed	13821
fire protection districts, metropolitan: formation	14335, 14338
foods—	
adulterated or misbranded—	
notice by district attorney to United States attorney general	26527
seized or quarantined: condemnation proceedings	26586
seized or quarantined: release proceedings	26586.5
adulteration or misbranding, local hearings re	26620
permits, suspension of	26475
regulations, hearings re	26544
violation notices	26564, 26619
violations, warnings re minor	26555
garbage and refuse disposal districts: change of boundaries	4189
garbage disposal districts—	
annexations	4137
contracts for garbage disposal: advertisements for bid	4121, 4121.1
hazardous substances, misbranded, hearings re condemnation, etc., of	28785
health districts, local: formation petitions and hearings	908, 910 to 912
health officers, local, California conference of: meetings	1110
hospital construction project hearings	432.7
hospital districts, local—	
directors, appointment of	32100.4
directors, special meetings of	32105
exclusion of territory	32412, 32413, 32477
housing law, state—	
abatement of nuisance and correction of violations	17980, 17982, 17989
pendency of action to enforce	17985 to 17987, 17989
inflammable clothing or material seized by state fire marshal, decisions re	19815
laboratories, biologic: notices re licenses	1611
mobilehome parks: violations	18010, 18102, 18211 to 18213
mobilehomes and mobilehome parks—	
enforcement of provisions	18010
nonprofit corporations, exemption of, from provisions	18013
mosquito abatement districts—	
abatement proceedings	2274 to 2279
formation, inclusion of additional territory on	2219
notices, generally	2204
municipal sewer districts (act of 1911): formation in two or more municipal corporations and in unincorporated territory: copies of resolution of intention	4614.8
narcotics arrests of aliens, notices to deportation authorities of	11715.5
nursing and convalescent homes, violations by	1418.5
pest abatement districts: real property sale	2854
police protection districts (unincorporated territory)—	
formation	20313
withdrawal of territory	20344
police protection districts (unincorporated towns)—	
commissioners, notice of election of	20065
directors, appointment of	20063.2
dissolution elections	20135, 20137
formation, notice of election re	20042
special tax for establishing police department, election re	20102, 20103
uncontested elections, notice of cancellation of	20063.1
radioactive wastes, dumping of, in navigable waters	4403.5
registrars, local: notification re deceased adults	10063
reservoirs, opening of, to public fishing: regulations	4466, 4471.1
sanitary districts (act of 1923)—	
annexation elections	6625
bids for construction work	6515.2, 6515.3
bond elections	6610, 6611
exclusion hearings, notice of	6914, 6923
exclusion petitions, receipt of	6919
formation elections	6461
formation hearing, notice of, to non-appearing owners	6443, 6444
officers, appointment of, in lieu of election	6588.1
officers, elections of	6581, 6590.5
regulations	6490

NOTICES (POSTING, MAILING, ETC.)—Continued.

Section

sanitation districts, county—		
consolidation—		
election	4726	
hearing	4724	
improvement districts: hearings re formation, etc.	4807,	4808
negotiable promissory notes, bids on		4746.1
septic tanks, cesspools and seepage pits: revocation of registration of persons engaged in business of cleaning		25009
sewage disposal districts, joint municipal, hearings re annexation, notices of	5700.20,	5750.05
sewage disposal districts, regional: annexation hearings		6026
sewage disposal permits, hearings re applications for		5426
sewer districts, municipal (act of 1911)—		
bids, advertisements for	4627,	4630
bond election ordinances		4619
sewer maintenance districts—		
annexations		4898
formation		4875
sewer revenue bonds: hearings re sewer work and bond issuance	4972,	4973
vehicles transporting narcotics: seizure and intended forfeiture proceedings		11613
water supplies, domestic, opening of, to public fishing, etc.: regulations		4471.1
water systems for domestic use, hearings re		4015
weeds—		
expenses of abatement, reports on		14906
notices to destroy	14893,	14894
seasonal and recurrent weeds: post card notice to property owners re abatement		14900.6

NOTICES, PUBLICATION OF. See also NOTICES (POSTING, MAILING, ETC.); PUBLICATIONS, EDUCATIONAL INFORMATION, ETC.; REPORTS.

air pollution control—		
hearings re motor vehicle emissions standards		426.5
hearings re standards for quality of air		426.1
air pollution control districts—		
hearings on rules and regulations		24261
hearings on variances		24300
hearings to determine need		24204
bay area air pollution control district—		
dissolution election, notice of		24372
exercise of powers in certain counties, notice of hearing re		24350.5
rules and regulations, adoption of	24362,	24362.2
variances, hearings re		24365.9
cemeteries—		
abandonment	8001, 8826, 9205,	9206
alteration and replatting of old cemeteries, petitions re		8707
dedication, removal of		8581
funds, petition for transfer of		7933
lands, hearing of confirmation of sale of		7902
cemetery districts, public—		
annexations		9050
formation		8910
hearing on right of way dedication		8968
plots, orders of abandonment of		9308
withdrawals		9077
community redevelopment agencies: rehabilitated property held more than one year, reports of		33281
community redevelopment projects areas—		
lease or sale of property, hearing re		33268
redevelopment plan amendment, hearings re		33747
redevelopment plans, hearings re adoption of	33700,	33730.5
county sanitation districts. See subheading, sanitation districts, county, below.		
dead bodies, notice of intention to disinter	7735, 7736,	8001
elderly persons low rent housing bonds, sale of		35998
fire districts, local—		
annual budget notice		14153
budget hearings		14153

NOTE: See also preceding SUPPLEMENTAL INDEX.

NOTICES, PUBLICATION OF—Continued.

Section

fire districts, local—continued	
elections—	
board of fire commissioners	14057.5, 14059, 14131
bond elections	14167
dissolution	14131
generally	14131
fire commissioners, appointment of	14060.1
ordinances, adoption of	14107
reorganization petition and hearing	14274
special fire protection zones, hearing re creation of	14303
fire protection districts, county—	
annexation hearings	14511, 14512
bond elections	14495.2
consolidation hearings	14526 to 14528
contracts with cities, elections re termination of	14408
dissolution elections	14585 to 14589
dissolution hearings	14582
formation elections	14426, 14427, 14429
formation hearings	14411, 14413 to 14415
name, change of	14454
ordinances	14461
withdrawal hearings, generally	14564
zones, special fire protection, creation of	14598.2
fire protection districts (in one or more counties)—	
annexations	14736
change of name	14759.5
directors, elections for	14655, 14658
directors, possible appointment of	14654.6
dissolution	14762
formation	14612 to 14616
formation elections	14631 to 14633
ordinances	14687
special fire protection zones: hearings	14714, 14717
transfer of territory from one district to another: hearing	14754
withdrawal of territory	14778, 14786
fire protection districts (law of 1961)—	
bond elections	13920
budgets, preliminary	13903
directors, appointment of	13838, 13891
dissolution, elections re	13965
ordinances	13869, 13870
reorganization petitions	13978
special fire protection zones, hearing re creation of	13994
fire protection districts, metropolitan—	
bond elections	14347
formation	14335 to 14339
garbage and refuse disposal districts—	
change of boundaries	4189
dissolution, hearings re	4195
formation, hearings re	4172 to 4174
garbage disposal districts—	
annexations	4137
consolidation	4165.1 to 4165.3
contracts for garbage disposal: advertisements for bids	4121, 4121.1
dissolution	4161
formation	4106 to 4108
withdrawals	4145
garbage disposal franchises, county advertisements for bids on	4201
health districts, local—	
annexation elections	960
dissolution elections	968
formation petitions and hearings	907, 910 to 912
hospital districts, local—	
annexations	32004.3
bond sales	32310
directors, possible appointment of, in lieu of election	32100.9
elections	32002.3, 32100.3
exclusion of territory	32004.8, 32412, 32413, 32477
loans on accounts receivable: advertisements for bids	32130.7
housing authority bonds, sale of	34355
housing cooperation law, agreements re improvements under	34518

NOTICES, PUBLICATION OF—Continued.

Section

mosquito abatement districts—		
annexations	2332 to	2333.6
dissolution		2391
formation petitions and hearings	2212 to	2215, 2219
formation: resolution of intention		2215.5
funds, additional, elections for		2304
notices, generally		2204
motor vehicle pollution control certified devices, hearings re necessity for		24394.3
pest abatement districts—		
annexations		2901
dissolution		2920
formation		2828
real property sale		2854
police protection districts (unincorporated territory)—		
formation	20313,	20314
withdrawal of territory		20343
police protection districts (unincorporated towns)—		
dissolutions		20133
election re special tax for establishing police department	20102,	20103
formation	20028, 20029,	20042
public improvements, notice of hearing re cooperative agreements for		34518
redevelopment revolving fund, property acquired under, notice of sale or lease of		33887
reservoirs, opening of, to public fishing: regulations	4466,	4471.1
sanitary districts (act of 1923)—		
annexations, alternative procedure for	6885.6, 6885.7,	6886.1
annexations by elections	6625,	6844
annexations without election, petitions for	6875,	6876
bids for construction work	6515.2,	6515.3
bond elections	6610,	6611
consolidation, hearings for	6891.5,	6892
exclusions of territory	6912, 6915,	6920
formation elections		6461
formation hearings, notices of, to non-appearing owners		6443
formation petitions	6424,	6425
officers, appointment of, in lieu of election		6588.2
regulations		6490
reorganizations		6813
sanitation and sewerage service charges, delinquent, notices re collection of		5473.1
sanitation and sewerage service charges, notice of assessment of		5474, 5474.1
sanitation districts, county—		
bids, advertisements for	4755,	4764.1
bond elections	4785,	4809.1
city withdrawal elections		4845.08
consolidation—		
election		4726
hearing		4724
engineers' report, notice of hearing of		4751
formations	4711, 4713,	4716
governing body, hearing re composition of		4730.2
improvement districts, hearings re formation of, etc.	4807,	4808
negotiable promissory notes, bids on	4746.1, 4764.1,	4764.2
promissory notes, bids on		4764.2
refuse transfer or disposal facilities, hearings re site of		4741
unincorporated territory withdrawal elections		4845.23
sewage disposal districts, joint municipal—		
annexation, hearings re, notices of	5700.20,	5750.05
bonds, sale of, bids for		5770.43
creation of, hearings re		5720.07
delinquency sales	5810.04,	5810.05
sewage disposal districts, regional—		
annexation hearings		6026
bond elections		6056
sewer districts (act of 1899)—		
annexation of unincorporated territory contiguous to district		4669
formation		4660
sewer districts, municipal (act of 1911)—		
annexations		4645
bids, advertisements for	4627,	4630

NOTE: See also preceding SUPPLEMENTAL INDEX.

NOTICES, PUBLICATION OF—Continued.

Section

sewer districts, municipal (act of 1911)—continued	
bond election ordinances	4619
formations	4610, 4614.7
sewer maintenance districts—	
annexations	4899
exclusions of territory	4908
formations	4874
sewer revenue bonds—	
construction contracts over \$500: advertisements for bids	5012
hearings re sewer work and bond issuance	4971, 4973
ordinances, resolutions or orders fixing rates for use of works of districts	5047
sewerage and water districts, county—	
bids, notices calling for	5557
formation	5511, 5513, 5516
vehicles transporting narcotics: seizure and intended forfeiture proceedings	11613
water supplies, domestic, opening of, to public fishing, etc.: regulations	4466, 4471.1
weeds: notices to destroy	14895

NUISANCES.

public—	
cesspools: authority of districts issuing sewer revenue bond to declare nuisance	5009
fire nuisances in clothes cleaning establishments, abatement of, by state fire marshal	13253
fire nuisances in spotting, sponging and pressing establishments, abatement of, by state fire marshal	13553
food processing establishments, insanitary	28298
industrial waste or sewage, pollution by: abatement, investigation, etc.	5412 to 5415, 5460 to 5462
mausoleums and columbariums illegally erected	9676
mosquito breeding places, abatement of, by mosquito abatement districts	2270 to 2283
public health department powers re injunction and abatement of	205, 206
sewage or industrial waste, pollution by: abatement, investigation, etc.	5412 to 5415, 5460 to 5462
sewage disposal, violations re	5444
sewerage disposal systems of areas in county sanitation districts	4762
swimming pools, unsanitary	24106, 24107
water systems for domestic use: violations	4034, 4461
weeds. See WEEDS, HAZARDOUS.	
public or private—	
auto courts and resorts—	
abatement	18551, 18552
definition	18511
housing act enforcement, abatement under	15290 to 15300, 17821 to 17829
housing law, state, abatement under	17980 to 17989
mobilehome parks: abatement	18102 to 18104
mobilehomes and mobilehome parks: definition	18009
motels: abatement	18551, 18552
narcotic nuisances—	
abatement and injunction proceedings	11781 to 11797
buildings and places defined as	11780

NURSES.

infectious, contagious or communicable diseases, reports to health officers re	3125
public health nurses, county or city	600 to 603
training schools, endowment hospital	32501
training schools, local hospital district	32124

NURSING HOMES.

actions to enjoin violations	1418.5
hospital, inclusion in definition of	1401
"hospital", use of name	1401.5

O

OATHS, OFFICIAL: fire companies in unincorporated towns, secretaries of 14838

OCEAN WATER-CONTACT SPORTS 24155 to 24159

		Section
OFFICERS AND EMPLOYEES, PUBLIC. See also HEALTH OFFICERS; PEACE OFFICERS. For officers and employees of particular districts or agencies, see names of districts or agencies.		
county: air pollution control district officers and employees, designation as	24221	
county: sanitary district reorganized from county sanitation district, duties re	6825	
county sanitation districts: incompatible activities, etc.	4768	
deputies, performance of duties by	7	
tenure under code	8	
OFFICES		
bay area air pollution control district	24354.3	
health officers, local health district	941	
OFFICIAL ———. See subject (e.g. SEALS, OFFICIAL).		
OLIVE OIL ———		28475 to 28488
OPIUM. See NARCOTICS.		
ORANGE COUNTY: sanitation district powers re issuance of emergency bonds		4786.5
ORANGE JUICE DRINK ———		26450.5
ORDINANCES.		
city—		
air pollution control	24247 to 24249, 24360.3 to 24360.5, 24365.11	
building regulations	17951, 19825	
earthquake protection	19101, 19122	
explosives	12003, 12304, 12402	
fire alarm systems, etc., installation of, in children's homes, sanitariums, etc.	13114.5	
fire prevention in certain institutions: restriction	13143.5	
fire protection districts, county: inclusion and withdrawal	14401	
fire protection districts (law of 1961): inclusion	13948	
fireworks	12754	
health administration, county, consent to	476, 477	
health measures	500, 510	
hot plates, regulation re use of, in buildings	17708	
housing	15153, 17951	
housing act enforcement	15254	
housing law enforcement	17952	
human remains: removal of all remains from cemeteries	7600, 7700, 7701	
kitchen cabinet units in certain rooms: regulation of installation, etc.	17702	
mausoleums and columbariums, enforcement of provisions re	9525, 9527, 9528	
mobilehome parks, etc., regulation of	18010	
mobilehomes: plumbing, heating and electrical equipment requirements: exemption	18372	
public health and sanitation	480	
radiation control: effect	25840	
sanitation or sewerage facilities, fees for connecting to	5474, 5474.10	
sewer districts (act of 1911) bond elections	4614.12, 4615 to 4617, 4619	
trailer coaches: plumbing, heating and electrical equipment requirements: exemption	18372	
wiping rag business, regulation of	3950	
community redevelopment		
33201 to 33203, 33230, 33480 to 33482, 33742, 33743, 33747		
county—		
air pollution control	24247 to 24249, 24360.3 to 24360.5, 24365.11	
building regulations	17951, 19826, 19827	
earthquake protection	19101, 19122	
explosives	12003	
fire alarm systems, etc., installation of, in children's homes, sanitariums, etc.	13114.5	
fire prevention in certain institutions: restriction	13143.5	
fireworks	12754	
health, preservation of, in unincorporated territory	450	
hot plates, regulation re use of, in buildings	17708	
housing	15153, 17951	
housing act enforcement	15254	
housing law enforcement	17952	
kitchen cabinet units in certain rooms: regulation of installation, etc.	17702	

NOTE: See also preceding **SUPPLEMENTAL INDEX.**

ORDINANCES—Continued.

Section

county—continued	
mausoleums and columbariums, enforcement of provisions re	9526 to 9528
mobilehome parks, etc., regulation of	18010
mobilehomes: plumbing, heating and electrical equipment requirements:	
exemption	18372
plumbing	15153.2
public health and sanitation	480
radiation control: effect	25840
sanitation or sewerage facilities, fees for connecting to	5474, 5474.10
trailer coaches plumbing, heating and electrical equipment requirements:	
exemption	18372
wiping rag business, regulation of	3950
district. See name of particular district (e.g. FIRE DISTRICTS, LOCAL).	

P

PACKING MATERIALS, INFECTED.

cleansing and disinfecting—	
approval by state department of agriculture and state department of	
public health	3751
inspection costs	3752
“filthy, contaminated, or unsanitary packing material” defined	3750
packing with, for delivery or transportation, a misdemeanor	3753

PAINTING, CALCIMINING, PLASTERING, ETC.

housing act provisions	17804 to 17807
shop, paint: maintenance in apartment house or hotel	17704, 17704.1
toys: coating with certain paint as misdemeanor	25895, 25896
vent shafts, plaster requirement for	16821

PARAKEETS: banding, sale, etc. 2100 to 2108

PARKS

burial parks, certain private or fraternal, reincorporation or abandonment	
of	8250
pioneer memorial parks	8828, 8829
public parks: mobilehomes and mobilehome parks, exclusion from provisions re	18012

PAROLE

narcotic addicts	11722
narcotic offenders	11500 to 11502, 11530 to 11532
narcotic treatment-control units, detention in, of parolees addicted, etc., to narcotics	11750 to 11754

PEACE OFFICERS. See also POLICE; POLICE PROTECTION DISTRICTS; SHERIFFS.

narcotic violations—	
addition in suspects arrested for criminal offenses, tests for	11723
investigations	11710
powers of, exercise by—	
air pollution control officer	24231
cemeteries, private, persons in charge of	8325
fire districts, local: fire department officers	14108.6, 14111
fire protection districts in one or more counties, officers of fire companies of	14686
fire protection districts (law of 1961): fire department officers	13875
food and drug inspections, chief of bureau of	26329, 26551
garbage disposal in public or private places, enforcement of provisions re	4477
health officers and deputies of local food protection and enforcement divisions	26618
housing, division of, officers or agents: enforcement of auto courts and resorts provisions	18553
narcotic enforcement, division of, chief and inspectors of	11105
public health, state board of: agents and inspectors	26551
rabies control, powers and duties re	1906 to 1908
vehicles transporting narcotics, seizure of	11611
wiping rags, inspections of	3902

PENALTIES, FINES, ETC. See also CRIMES: DAMAGES.

birth, delayed registration of: filing, etc., of false certificate or affidavit	10690
cosmetics, adulterated or misbranded, liability for advertisements re	26050
drug administration enforcement	26385

PENALTIES, FINES, ETC.—Continued.

Section

explosives—		
sales, etc., records	12116 to	12118
transportation regulations	12304,	12305
unlawfully possessing, knowingly		12353
fire companies in unincorporated towns: violations of by-laws and regulations		14835
food violations		26605
housing act violations		17902
housing law, state, violations		17995
industrial waste violations		5461
mobilehome parks: violation of provisions	18203.5,	18475
narcotic nuisance abatement proceedings	11790,	11797
narcotic violations	11681 to	11718
rabies control violations		1915
sewage disposal violations		5461
sewer revenue bonds: collection of penalties for use of district works		5053
vital statistics records, falsification of, etc.	10679,	10690

PENOLOGY, STATE DEPARTMENT OF. See NARCOTICS—
division of narcotic enforcement.

PENTHOUSES: housing act provisions.....16416 to 16422

PERMITS. See LICENSES, PERMITS, ETC.

PEST ABATEMENT DISTRICTS. See also MOSQUITO ABATEMENT DISTRICTS; WEEDS, HAZARDOUS.

annexations	2900,	2901
boundaries	2822, 2830 to 2832,	2901
claims against district		2880
consolidations—		
authorization	2360, 2910,	2911
board of trustees	2361, 2362, 2369,	2370
effect	2369, 2370, 2372 to	2375
name of consolidated district	2362, 2367,	2371
order of consolidation	2367,	2368
resolution proposing	2361, 2362, 2367,	2371
definitions and general provisions	2800 to	2803
dissolution	2920 to	2922
formation—		
boundaries	2822, 2830,	2832
hearing, powers of supervisors, etc.	2828 to	2831
name		2831
petition	2822 to	2828
recordation and filing of order		2832
funds	2855, 2873, 2874, 2876,	2922
property, sale or lease of	2853,	2854
taxation	2822.5, 2870 to 2872, 2875, 2876,	2921
trustees, board of: appointment, general powers and duties	2850 to 2853,	2855

PESTICIDE CHEMICALS: exemption from "food additives" provisions
26465, 26466

PET BIRD ADVISORY COMMITTEE: appointment, duties, etc..... 2105

PET BIRDS: banding, sale, etc..... 2100 to 2108

PET FOOD 28007, 28008

PETITIONS. See also ACTIONS AND PROCEEDINGS; LICENSES.

alcoholic beverages: "dump sheets," petition for delivery of	26552
bay area air pollution control district, exercise of certain powers by	24350.4
cemeteries—	
care, alteration, replatting, etc.	8702 to 8706
funds, transfer of, for care of reinterred remains	7933
lands, confirmations of sales of	7902, 7903
cemetery districts, public—	
abandonment of plots	9302, 9303, 9305 to 9307
annexations	9026, 9027
trustees, increase in number of	8950
withdrawal of territory	9076

NOTE: See also preceding SUPPLEMENTAL INDEX.

PETITIONS—Continued.

Section

drugs—		
seized or quarantined: condemnation proceedings	26366	26366
seized or quarantined: release proceedings	26366.5	26380
violations, verified petition re	26380	
fire districts, local—		
annexation of territory	14213,	14215
commissioners, nomination and election of	14057.5,	14058
consolidation		14232
dissolution		14252
exclusion of territory	14214,	14215
formation	14010,	14041 to 14044
reorganization	14272 to	14275
special fire protection zones, creation of		14301
fire protection districts, county—		
dissolution	14581,	14582
withdrawal of territory	14540,	14561, 14562
fire protection districts (in one or more counties)—		
annexations	14736,	14740 to 14744
boundaries, change of, when area is incorporated		14811
dissolution, generally		14761
dissolution when area is incorporated		14801
formation	14610,	14621
inclusions of territory	14721 to	14727
transfer of territory from one district to another	14752,	14758.5, 14759
withdrawal of territory		14776
fire protection districts (law of 1961)—		
annexation of territory	13946,	13947
directors: increase in number		13833
dissolution		13965
elections		13837
formation	13825,	13831
reorganization	13976 to	13982, 13984
special zones, creation of	13991,	13992
food—		
seized or quarantined: condemnation proceedings	26586	26586
seized or quarantined: release proceedings	26586.5	26600
violations	26600	
frozen food locker plant owners, petitions by, for amendment, etc., of act, etc.	28724	
garbage and refuse disposal districts—		
annexation	4188 to	4190
dissolution		4195
garbage disposal districts—		
annexations	4136,	4137
dissolution	4161 to	4163
withdrawals		4144
hazardous substances, misbranded, condemnation, etc., of		28785
health districts, local—		
annexations		959
formation	901, 902, 905 to 916,	918
hospital districts, local—		
annexations	32004 to	32004.6
bond elections, petitions for		32301
consolidation with memorial district		32490.2
dissolution		32005
exclusion of territory	32004.7, 32410, 32411,	32476
formation		32003
generally		32002
recall of board member		32100.6
special assessment authorization elections, petitions for		32241
inflammable clothing, material, etc., seized by state fire marshal: petition for return		19815
interment, petition for order directing performance of, by person having duty or by coroner	7105,	7106
mosquito abatement districts—		
annexations	2331 to 2337,	2340
formation	2211 to 2217,	2222
pest abatement districts—		
annexations		2900
formation	2822 to	2828
police protection districts (unincorporated territory): withdrawal of territory		20341

PETITIONS—Continued		Section
police protection districts (unincorporated towns)—		
annexations	20051 to 20054	
dissolution	20131 to 20132	
exclusion of precinct area	20032.1, 20120 to 20121.6	
formation	20026, 20032.1	
sanitary districts (act of 1923)—		
annexations by election	6840 to 6845, 6849 to 6851	
annexations without elections	6871 to 6877, 6880	
consolidation	6891	
exclusions	6911, 6917 to 6921	
formation	6420 to 6425	
reorganization	6811 to 6813	
sanitation districts, county—		
annexations and assumption of bonded indebtedness	4831.7	
bond election	4794.5	
city withdrawals	4845.07, 4845.08	
reorganization as community services district	4857.5	
reorganization as sanitary district	4857	
withdrawal of unincorporated territory	4845.21, 4845.22, 4845.28, 4845.30, 4845.32, 4845.34	
sewage disposal district, joint municipal: formation	5720.03	
sewer districts (act of 1899)—		
annexation of territory	4669	
formation	4660, 4661	
sewer maintenance districts—		
dissolution	4916 to 4919	
exclusions of territory	4906, 4907	
sewer revenue bonds—		
election re proposed works, petition for	4975	
rates for use of works of districts, increasing of	5042	
sewerage and water districts, county: withdrawal of unincorporated territory		
	5645.21, 5645.31 to 5645.34	
sewerage disposal permits	5421 to 5423	
vital statistics records: petitions to establish by court order	10550 to 10554	
water supplies, domestic, permit to furnish	4011 to 4016	
PETROLEUM GAS, LIQUEFIED.		
auto courts and resorts	18825, 18826	
mobilehome parks: rules and regulations	18425	
PEYOTE. See NARCOTICS.		
PHARMACISTS. See DRUGS; NARCOTICS; PHARMACY, STATE BOARD OF.		
PHARMACY, STATE BOARD OF: narcotic convictions, revocation of registrations for		
	11717	
PHENYLKETONURIA: inclusion in crippled children services		
	250	
PHYSICALLY HANDICAPPED CHILDREN. See MINORS.		
PHYSICALLY HANDICAPPED PERSONS: licensing and regulation of establishments for handicapped persons		
	1500 to 1517	
PHYSICIANS. See also DRUGS; NARCOTICS.		
autopsies, exemption from liability re	7113, 7116	
birth certificates, responsibility for registering	10101, 10102	
clinics	1200.5	
county medical facilities, appointments and contracts re	1441, 1451, 1455	
dead bodies, removals of, to out-of-state points: certificate to accompany permit	7552	
death certificates, duties re	10180, 10203, 10204, 10225	
deaths, reports of	10250	
epilepsy, reports re	410	
fetal death certificates, duties re	10180	
hospital districts, local, contracts with, etc.	32128, 32129	
infectious, contagious or communicable diseases, reports to health officers re	3125	
narcotic addiction in suspects arrested for criminal offenses, testing for	11723	
narcotics, prescribing of, etc.	11000, 11161, 11163.5, 11500, 11501, 11570, 11571	
prenatal syphilitic tests, duties re	3222 to 3224, 3229	
tuberculosis examinations, choice of physicians to make	3285	

NOTE: See also preceding SUPPLEMENTAL INDEX.

PHYSICIANS—Continued.	Section
venereal disease: requirement to submit specimens.....	3187
vital statistics, generally, duty to supply information re.....	10005
PIONEER MEMORIAL PARKS.....	8828, 8829
PLASTERING. See PAINTING, CALCIMINING, PLASTERING, ETC.	
PLUMBERS, PLUMBING, ETC. See also AUTO COURTS AND RESORTS; BATHTUBS AND SHOWERS; CESSPOOLS; HOUSING ACT, STATE; HOUSING LAW, STATE; MOBILE-HOMES AND MOBILEHOME PARKS; SEWERS; TOILETS.	
fixtures: housing act enforcement agencies' powers and duties re.....	17452, 17457, 17466, 17484, 17534
housing act provisions. See HOUSING ACT, STATE—plumbing fixtures.	
ordinances.....	6522.1, 15153.2
restaurants.....	28552
restaurants, itinerant.....	28600
PODIATRISTS. See also CHIROPODISTS.	
narcotic prescriptions.....	11151, 11500, 11501
use of local hospital districts facilities.....	32128.5
POISONS	
cosmetics, adulterated.....	26021, 26022
labeling of containers, etc.....	25900 to 25905, 28580, 28625, 28744, 28755
POLICE. See also PEACE OFFICERS; POLICE PROTECTION DISTRICTS; SHERIFFS.	
powers of, exercise by state fire marshal and assistant or deputy state fire marshals.....	13103
POLICE PROTECTION DISTRICTS (UNINCORPORATED TERRITORY).	
administration.....	20330, 20331
definitions.....	20300, 20301
dissolution—	
authorization.....	20350
county supervisors, powers of.....	20352
property, vesting of.....	20351
formation—	
authorization, composition, etc.....	20310, 20311
boundaries.....	20310, 20311, 20313, 20315 to 20317
hearing.....	20312 to 20317
notice of hearing.....	20313, 20314
petition.....	20311, 20312, 20315
prohibition against.....	20302
protests.....	20315
property: effect of dissolution.....	20351
taxation.....	20332, 20349
withdrawals—	
authorization.....	20340
hearing.....	20342, 20345, 20346
inclusion within city.....	20348
notice of hearing.....	20343, 20344
petition.....	20341
property, vesting of.....	20347
territory withdrawn, etc., liability of, for bonded indebtedness.....	20349
POLICE PROTECTION DISTRICTS (UNINCORPORATED TOWNS).	
ambulances.....	20025, 20072
annexation proceedings.....	20050 to 20057
board of commissioners—	
appointment where election uncontested.....	20063.1
election, organization, compensation, etc.....	20044, 20060 to 20069
powers and duties.....	20070 to 20081
residence of candidates for membership.....	20044
claims against district.....	20115
contracts with municipalities for police protection service.....	20071.5
definitions and general provisions.....	20000 to 20007
dissolution—	
authorization.....	20130
election.....	20134 to 20140
funds, division of.....	20142, 20143
hearing.....	20132 to 20134

	Section
POLICE PROTECTION DISTRICTS (UNINCORPORATED TOWNS)—	
Continued.	
dissolution—continued	
petition	20131, 20132
property, vesting of	20141, 20143
elections. See ELECTIONS.	
employees	20071
exclusion of precinct area	20032.1, 20120 to 20121.6
formation—	
authorization, composition, etc.	20025, 20026
boundaries	20025, 20026, 20028, 20032, 20033
election	20034, 20040 to 20047
hearing	20027, 20031, 20033
name	20041
notice of hearing	20028, 20029
objections	20030 to 20033
order of establishment	20036
prohibition against	20007
police department, establishing, equipping, maintaining of	20072 to 20075, 20101 to 20112
precinct areas	20006, 20032.1, 20120 to 20121.6
property—	
acquisition of and disposal of	20072 to 20076
dissolution, effect of	20141 to 20143
rules and regulations	20070
taxation—	
generally	20101 to 20113
property, special tax for purchase of	20075
POLIOMYELITIS: immunization for school pupils	3380 to 3387
POLLUTION.	
air pollution. See AIR POLLUTION CONTROL; AIR POLLUTION CONTROL DISTRICTS; AIR SANITATION PROGRAM.	
industrial waste disposal, generally	5410 to 5415, 5460 to 5462
private property and public places	4475 to 4477
sewage disposal, generally	4458, 5410 to 5415, 5460, to 5463
violations	4476, 4485, 5460 to 5463
waters. See WATER, WATER SYSTEMS, AND WATERCOURSES.	
PORTIERES, CURTAINS, ETC.	
flame-retardant requirement for use in places of public assemblage	13119, 16713
use as partitions	17707
POST MORTEM EXAMINATIONS: unclaimed dead	7205, 7206
POTLUCK DINNERS: applicability of California restaurant act	28522
POULTRY.	
apartment houses or hotels, keeping in or near	17816
auto courts and resorts, prohibition against poultry running at large in	18878
canned poultry products, etc.—	
adulteration	26470
canneries: "meat or meat products": definition	28361
dwelling, keeping in or near	17817
food processing establishments, etc., prohibition against keeping in	28282.5
PRENATAL SYPHILITIC TESTS	3220 to 3229
PRESCRIPTIONS. See DRUGS; NARCOTICS.	
PRESUMPTIONS. See also EVIDENCE.	
cancer: failure to provide sample of drugs, etc.	1707
cemetery plots, ownership in	8600
community redevelopment agencies: establishment and authority	33202
explosives, reckless and malicious possession of, from unlawful possession	12352
PRISONS, STATE: gifts to, of narcotics for medical purposes, by state division of narcotic enforcement	11655
PRIVATE PROPERTY	
hazardous substances: entry to inspect	28764, 28781
pollution	4475
radiation control, entry to inspect re	25820
sanitary districts (act of 1923): entry to inspect, etc.	6523.2

NOTE: See also preceding SUPPLEMENTAL INDEX.

		Section
PRIVIES. See also CESSPOOLS; PLUMBERS, PLUMBING, ETC.;		
TOILETS, WATER-CLOSETS.		
construction and maintenance	17453 to	17455
PROBATION.		
narcotic addicts	11721,	11722
narcotic convictions	11715.6,	11721
PSITTACOSIS		2104
PUBLIC AGENCIES. See GOVERNMENTAL AGENCIES.		
PUBLIC CEMETERY DISTRICTS. See CEMETERY DISTRICTS,		
PUBLIC.		
PUBLIC HEALTH, STATE BOARD OF. See also PUBLIC HEALTH,		
STATE DEPARTMENT OF; PUBLIC HEALTH, STATE		
DIRECTOR OF.		
animals used for diagnostic, etc., purposes, duties re certificates of approval,		
etc., for persons keeping	1666 to	1668
audiometrists, school, registration of, etc.	1685,	1686
appointment, meetings, powers, etc.	102 to	105
beverages: misbranding, regulation re		26495
birds, pet: regulations re banding, sale, etc.	2100 to	2108
canneries—		
funds	28451,	28452
labeling		28431
licenses and fees	28411 to 28414,	28416, 28418
permit to operate steam retort		28430
proration of cost of inspection and laboratory control	28400 to	28402
rules and regulations	28440 to	28442
chief of bureau of food and drug inspections: appointment		26559
cold storage warehouses, powers and duties re	28127, 28130 to 28133,	28143 to 28149, 28153
drug administration—		
agents: refusal of admission to drug manufacturing establishments, etc.		26294
generally	26289 to 26292, 26294, 26321 to 26330,	
	26332 to 26334, 26338 to 26360, 26366 to	26385
hearings re adulteration or misbranding		26340 to 26342
reports—		
governor, report to		26344
minor violations		26332
publication		26333
food sulphurs, regulation of		28507, 28508
foods—		
additives, regulation of use of		26542.1
administration—		
generally	26518.5, 26540 to 26559, 26565 to 26582, 26586 to	26605
local		26615 to 26624
bureau of food and drug inspections—		
assistants, employment of		26559
chief, appointment of		26559
factories, etc., inspection of		26518.5
misbranding, regulation re	26491, 26495,	26496
olive oil, enforcement of provisions re		26487
poisonous, etc., substances, regulation of use of		26471
processing, generally, duties and powers re		
	28296, 28313, 28317, 28320, 28332, 28333, 28335,	28339
regulations for local administration, prescribing of		26624
regulations re quality, identity, etc., promulgation of	26540 to	26544
temporary regulations arising from distribution of contaminated foods	26473 to	26476
violations, reports of, to district attorneys	26554, 26555,	26566
handicapped persons: rules and regulations	1509,	1514
health administration, local, state aid for: rules and regulations		1111
meetings		103.1
radiation sources, rules and regulations re registration of		25780
records		103.2
water supplies, domestic, regulation of	4010 to 4035,	4458
water supply permits for public fishing in reservoirs, issue of		4463

Section

PUBLIC HEALTH, STATE DEPARTMENT OF. See also **PUBLIC HEALTH, STATE BOARD OF; PUBLIC HEALTH, STATE DIRECTOR OF.**

agricultural workers, seasonal and migratory, program for health of	429,	429.1
air pollution control devices for motor vehicles, administrative services re		24383
air sanitation program	425 to	426.5
air, standards for quality of: duty to develop, etc.		426.1
alcoholic rehabilitation commission, succession to powers and duties of, etc.		427.3
alcoholic rehabilitation division: creation, etc.	427 to	427.4
animals, use of, in diagnostic, etc., research, regulations re	1650 to	1677
appointments: chief of division of dental health		351
approvals—		
bacteriological and chemical laboratories: personnel and equipment		1002
packing materials, cleansing and disinfecting of		3751
sewer plants, persons to take charge of		5432
atomic energy commission, United States, duties re permits, etc., issued by		25771
bakeries, powers and duties re	28202, 28216, 28226, 28243, 28245, 28250,	28251
biologies: powers and duties, generally	375, 1603 to 1608, 1611, 1614, 1615,	1619
birds, pet: permits for issuance of bands		2101
blindness prevention program, powers and duties re	428,	428.1
camp, organized, regulation of		18897.5
cancer advisory council: creation, duties, etc.	1701 to 1704, 1711,	1718
cancer, regulation of drugs, treatment, etc., re	1701 to	1721
child health, powers and duties re	300 to	303
clinics and dispensaries—		
hearings re revocation of licenses		1216
inspection, etc.	1212, 1213,	1236
license applications, duties re	1210,	1212
records		1214
rules and regulations		1222
common towels—		
laundering, prescribing of methods of		3801
sanitary provisions, enforcement of		3802
communicable disease prevention and control, powers and duties re	3050 to 3053, 3114, 3121, 3123, 3180 to	3299
cosmetic administration		26051
counties of less than 40,000 population, powers and duties re health services		
in		1157
cups, common drinking, enforcement of sanitary provisions re		3703
dead, unclaimed, powers and duties re	7200 to 7202, 7205 to	7207
dental health, division of: organization, powers, duties, etc.	350 to	356
drug administration—		
cosmetics		26051
report of violations		26331
employees		110
epilepsy, definition of, for purposes of certain reports, etc.		410
establishment, organization, etc.	100 to	113
food packs for disasters, etc., for sale, regulation for labeling nutritional		
values		26467
frozen food regulations, powers and duties re	28180,	28182
funds	117 to	121
gifts, acceptance of		213
gnat control, powers and duties re		2426
handicapped persons, licensing and regulation of establishments for, powers		
and duties re	1503, 1505, 1507 to 1510, 1512, 1514 to	1516
hazardous substances, powers and duties re labeling of	28743, 28747, 28775 to 28786, 28789,	28790
health administration, local, state aid for, powers and duties re	1101, 1111, 1112, 1130, 1140, 1141, 1153, 1156,	1157
horse meat: powers and duties re licenses for slaughtering, distribution and		
importation		28013
hospital districts, local: certificate of need for formation, etc.		32002
hospitals, licensing and regulation of	1400 to 1408, 1411 to 1416, 1418 to	1421
hospitals, safety and sanitation standards for certain duties re		1422
hospitals, survey and construction of	431 to 433, 435.2, 435.3,	435.7
investigations. See INSPECTIONS, INVESTIGATIONS, ETC.		
kosher meat regulations, enforcement of		214
laboratories, maintenance of		374
mausoleums and columbariums: duties re permits and plans	9560 to	9575
meat, chopped or ground: approval of substances		26472
medical institutions, public, enforcement, etc., of minimum standards of		
safety and sanitation for		1422

NOTE: See also preceding SUPPLEMENTAL INDEX.

PUBLIC HEALTH, STATE DEPARTMENT OF—Continued.

Section

mental health services-----	420
morbidity and mortality studies: publication of statistical compilations-----	211.5
mortality and morbidity studies: publication of statistical compilations-----	211.5
mosquito control, duties and powers re-----	2350, 2425, 2426
motor vehicle pollution control board: creation, etc.-----	24383 to 24388, 24397, 24398
ocean water-contact sports, powers and duties re-----	24155 to 24157, 24159
physically handicapped children, powers and duties re-----	249, 252, 252.5, 253, 256 to 264, 267 to 269, 271
physicians' orders for drugs, medicines, etc., for certain venereal diseases, etc.-----	26271
poliomyelitis immunization of school pupils, regulation of-----	3380 to 3382, 3386, 3387
powers, generally-----	200 to 212
prenatal syphilitic tests-----	3220, 3221, 3225, 3228
public health federal fund: creation, deposits, expenditure, etc.-----	117 to 120
public health nurses' qualifications, prescribing of-----	600, 602
quarantine of diseases: powers and duties, generally-----	3050 to 3053, 3112 to 3115, 3121, to 3123
rabies control-----	
anti-rabic virus, powers and duties re-----	2000
powers and duties, generally-----	1902 to 1905, 1907, 1912, 1914, 1916, 2000
radiation control, powers and duties re-----	25810 to 25826, 25835, 25836, 25845 to 25860
radiation sources-----	
duties re registration of-----	25780, 25781, 25811, 25815, 25817, 25855
licensing-----	25810 to 25816, 25831, 25845, 25855, 25870
rules and regulations re registration of-----	25803, 25811, 25815, 25817, 25855
radioactive materials, regulation of transportation of-----	25651 to 25654, 25855
radioactive wastes, powers and duties re-----	4403.5, 25600 to 25608, 25651 to 25653
reportable diseases, listing of-----	3123
restaurants, etc., regulation of-----	28693, 28694, 28696
rodent eradication, powers and duties re-----	1804 to 1806
sanitarians, powers and duties re-----	541, 542
sewage disposal permits, powers and duties re-----	5421 to 5442
special deposit fund: records of deposits, disbursements, etc.-----	121
swimming pool sanitation, powers and duties re-----	24101, 24102, 24104, 24105, 24107
tuberculosis quarantine violators, leasing of facilities for-----	3295
venereal diseases, bureau of. See VENEREAL DISEASES.	
venereal diseases-----	
powers and duties, generally-----	3180 to 3188
prenatal syphilitic tests-----	3220, 3221, 3225, 3228
vital statistics, powers and duties re-----	10001, 10002
water supplies, publicly owned domestic, used for recreation: inspections re purity-----	4471
water supply permit amendments for fishing, etc., in or near publicly owned domestic water supplies, issue of-----	4470.1

PUBLIC HEALTH, STATE DIRECTOR OF. See also PUBLIC HEALTH, STATE BOARD OF; PUBLIC HEALTH, STATE DEPARTMENT OF.

alcoholic rehabilitation advisory committee, appointment of-----	427.4
appointment-----	107, 107.5
atomic energy development and radiation protection departmental co-ordinating committee, members of-----	25750
camps, organized, regulation of-----	18897.2, 18897.4
cancer advisory council, ex officio member of-----	1701
cancer, investigation of violations re treatment, etc., of-----	1716
cannery inspection board, member of-----	28380
convalescent homes, actions to enjoin violations by, etc.-----	1418.5
dead bodies: duties re disposition to therapeutic services-----	7100, 7115
drug administration, duties re, etc.-----	26336, 26337, 26342, 26362, 26363
duties, generally-----	106, 109 to 113
elderly persons low rent housing finance committee: membership-----	36000
food administration, duties re, etc.-----	26560 to 26562, 26582, 26583
gifts, acceptance of-----	213
handicapped persons, establishments for: prosecution of violations-----	1517
hospital construction funds, expenditure of-----	433
motor vehicle emissions standards, duty to determine-----	426.5
motor vehicle pollution control board, membership on-----	24383
nursing homes, actions to enjoin violations by, etc.-----	1418.5
pet bird advisory committee, appointment of-----	2105
psittacosis, findings re-----	2104

PUBLIC HEALTH, STATE DIRECTOR OF—Continued.	Section
qualifications	107
rabies areas, powers and duties re	1901.2
restaurant act, California, enforcement of	28690, 28691
salary	107.5
term of office	107.5
vital statistics, state registrar of, as. See VITAL STATISTICS REG- ISTRAR, STATE.	

PUBLIC MEETINGS. See MEETINGS, PUBLIC.

PUBLIC PLACES.

explosives, exploding or attempting to explode at or near	12354
explosives, transportation of	12304, 12402
pollution	4475 to 4477

PUBLIC UTILITIES.

commission—	
atomic energy development and radiation protection, departmental co-ordi- nating committee on, membership of president on	25750
rules and regulations re transportation, etc., of explosives	12004, 12004.5
domestic water supplies, regulation of	4010 to 4035, 4458 to 4461

PUBLIC WORKS: damage by districts issuing sewer revenue bonds..... 5007

PUBLIC WORKS, STATE DEPARTMENT OF: building standards com-
mission. See BUILDINGS.

PUBLIC WORKS, STATE DIRECTOR OF

atomic energy development and radiation protection, departmental co-ordi- nating committee on, member of	25750
building standards commission, state, chairman of	18900

PUBLICATIONS, EDUCATIONAL INFORMATION, ETC. See also
ADVERTISING; NOTICES, PUBLICATION OF; REPORTS.

air, standards for quality of	426.1
atomic energy development and uses of radiation	25737
building standards: state agency administrative regulations, index and reference guide	18901
building standards code, state	18906, 18908
child health	301
clinics and dispensaries	1221
communicable diseases, information for local registrars re	10003
drugs	26272, 26334
explosives	12004
fire and panic safety standards, lists of materials, etc., conforming with	13144.1
fire districts, local	14108, 14113
fire extinguisher sales, etc., licenses, lists of	13168
fire laws, compilation and publication of	13105.5
fire prevention	13105, 13144.1, 13877, 14113, 14444.2
flame-retardant chemicals, etc.: approved lists	13122 to 13129
foods	26556, 26557
hazardous substances, information re	28789
hospital districts, local: financial statement	32133
morbidity and mortality studies, statistical compilations re	211.5
mortality and morbidity studies, statistical compilations of	211.5
motor vehicle emission standards, revised	426.5
motor vehicle pollution control devices, criteria for approval of	24386
restaurant act, California	28696
sanitation districts, county: engineer's report	4753
swimming pools, reports of inspections of, by state department of public health	24105
venereal disease prevention and control	3183
water works standards	4010.5



QUARANTINE.

diseases. See QUARANTINE OF DISEASES.	
drugs or devices	26360 to 26369.5
foods—	
adulterated or misbranded	26580 to 26589.5
canned	28432, 28433
hazardous substances, misbranded	28783, 28785, 28786

NOTE: See also preceding SUPPLEMENTAL INDEX.

	Section
QUARANTINE OF DISEASES. See also COMMUNICABLE, CONTAGIOUS, AND INFECTIOUS DISEASES; TUBERCULOSIS.	
destroyed property, compensation for-----	3114
exposure of afflicted person by self or other person a misdemeanor-----	3353
guide dogs for the blind-----	1919
health districts, local: regulations-----	936
health officers-----	
definition-----	3000
powers and duties-----	3110 to 3125
reports to health officers-----	3120, 3124, 3125
reports to state department-----	
generally-----	3122 to 3124
local epidemics-----	3121
telegraph or telephone reports-----	3122
time limitation-----	3122, 3124
persons subject to obedience-----	3116, 3117
places of quarantine-----	
establishment-----	
by a county or city against another county or city-----	3113
by health officers-----	3112, 3115
by state department-----	3050
generally-----	3050, 3112, 3115
milk distribution-----	3120
obedience to rules and regulations-----	3116
raising of quarantine-----	3119
public health, department of: powers and duties-----	
3050 to 3053, 3112 to 3115, 3121 to 3123-----	3123
rabies control-----	1903, 1905
raising of quarantine-----	3119
reportable diseases-----	3110, 3121 to 3125, 3199, 3286
reports by health officers-----	3121 to 3124
reports by physicians, nurses, clergymen, visiting persons, etc.-----	3125
restrictions-----	3117
rules and regulations of state department-----	
enforcement-----	3111
isolation or quarantine, requiring of-----	3123
violations-----	3350, 3354
school attendance-----	3118
tuberculosis. See TUBERCULOSIS.	
venereal disease, by local health officers-----	3195

R

RABBIT MEAT -----	26464
--------------------------	-------

RABIES.

anti-rabic virus-----	2000
control of-----	
advisory committees, regional-----	1901.2
boards of health and peace officers, powers and duties of-----	1906 to 1908
definitions-----	1900 to 1901.2
generally-----	1900 to 1921
inspections of premises-----	1908
quarantine-----	1903, 1905
special measures to supplement local action-----	1916

RACE.

community redevelopment projects, discrimination re-----	33049, 33050, 33071
housing, publicly assisted, discrimination in-----	35700 to 35741
marriage certificates, prohibition against reference in-----	10350
urban renewal projects, discrimination re-----	33049, 33050, 33071

RADIATION. See also ATOMIC ENERGY DEVELOPMENT AND RADIATION PROTECTION.

control law-----	
definitions-----	25805
emergencies, powers of department of public health re-----	25846, 25860
general provisions-----	25800 to 25803
licensing and registration of sources of ionizing radiation-----	
25810 to 25817, 25831, 25845, 25855, 25870 to 25876-----	25876
prohibited uses of sources of radiation-----	25855
rules and regulations-----	
25803, 25811 to 25817, 25825, 25826, 25840 to 25846, 25850 to 25876-----	25876
training programs-----	25836

RADIATION—Continued.	Section
control of radioactive contamination of the environment.....	25600 to 25608
field tracer studies.....	25608
food, radiation sources used on, as "food additives".....	26465
food subjected to nonregulated radiation as adulterated.....	26470
nuclear reactors, etc., monitoring of.....	25607
radioactive wastes.....	25600 to 25606
substances, radioactive: application of hazardous substances labeling act.....	28743, 28752, 28777
RADIOACTIVE MATERIALS.	
radiation control law.....	25800 to 25876
transportation.....	25650 to 25654, 25855
RADIOACTIVE WASTE.	
generally.....	25600 to 25606
waters, navigable, depositing in.....	4400, 4403.5
RAGS. See WIPING RAGS.	
RAILROADS. See also COMMON CARRIERS; TRANSPORTATION.	
dining cars, etc.: exemption from California restaurant act.....	28695
fireworks, exemption of signal or illumination torpedoes, etc., from provisions re.....	12762
spotting and pressing of passengers' clothing.....	13780
RATS. See RODENT ERADICATION.	
RECORDERS, COUNTY. See also RECORDING, FILING, ETC.	
birth certificates, issuance of certified copies of.....	10575, 10576, 10578, 10581
birth date and place verification.....	10582
death certificates, issuance of certified copies of.....	10575 to 10577, 10579
events occurring subsequent to July 1, 1905, disposition of records of.....	10067
fire protection districts (in one or more counties): recordings without fee.....	14750, 14764, 14815, 14816
housing law, state, violations, recording of notices of pendency of actions re.....	17986
local registrar of marriage, duties as.....	10052, 10053
records filed prior to July 1, 1905, receipt, etc., of.....	10065
signatures, facsimile, on certified copies of records.....	10583
special county records of births and deaths.....	10064 to 10066
verification of date and place of birth.....	10582
RECORDING, FILING, ETC. See also BIRTH REGISTRATION; DEATH REGISTRATION; MARRIAGE REGISTRATION; RECORDERS, COUNTY; RECORDS; REPORTS; VITAL STATISTICS.	
annulment decrees, reports of.....	10000, 10360
apartment houses and hotels, records re, with housing authorities.....	15315 to 15319
bay area air pollution control district—	
dissolution, declaration of.....	24372
exercise of powers in certain counties, resolution declaring need for.....	24350.7
hearing board decision, etc.....	24368.1, 24368.2, 24368.4
birth certificates—	
adopted children.....	10435, 10438
delayed certificates, applications for, etc.....	10502, 10530, 10612
legitimated children.....	10440, 10445, 10446
buildings—	
building permits, applications for.....	15352 to 15354, 19132 to 19132.5
final completion, certificates of, applications for.....	15381
occupancy, permits of.....	15382, 15383
cemeteries—	
old cemeteries, petitions re care, alteration, replatting, etc.....	8706
property, declaration of intention to acquire.....	8526, 8553
property to be dedicated, map of.....	8551, 8553, 8556
removal of all remains, declarations reciting.....	7904
surveys, descriptions and orders constituting lands as public cemeteries.....	8125
cemetery association articles of reincorporation.....	8803, 8805
cemetery districts, public—	
abandonment of plots, petitions and affidavits re.....	9302, 9303
audit reports in lieu of trustees reports.....	8991
orders approving formation.....	8941
trustees report.....	8990, 8991

RECORDING, FILING, ETC.—Continued.

	Section
community redevelopment agencies, ordinances declaring need for	33201.5, 33202
community redevelopment plans, amendments to	33747
community redevelopment project areas, description of land within, etc.	33748
death certificates, filing of, prior to issuance of disposition permits	10375
divorce decrees, reports of	10000, 10360
drugs or devices, new—	
application for permit to sell	26288
investigational use, statement re	26292
endowment care cemetery trust fund mergers: declaration of trust	8748
fire companies in unincorporated towns: organization, certificates of	14825, 14827
fire districts, local—	
affidavit of organization or reorganization	14018
boundary statements, etc.	14014, 14223
consolidation, resolution of	14240, 14241
formation or annexation notice	14010
reorganization, order of	14279
special fire protection zones, orders creating	14304
fire hazards, apartment house or hotel, permits re	17815
fire protection districts, county—	
city inclusion and withdrawal ordinances	14401
city orders and approvals of election to pay taxes	14481.1
dissolution upon inclusion within city, resolution of	14501
name, notice of change of	14454
fire protection districts, generally: annexation of territory to districts serving cities, resolutions re	14820
fire protection districts (in one or more counties)—	
annexations, findings re	14750
dissolution, resolutions of, when area is incorporated	14815, 14816
exclusions, resolutions of, when area is incorporated	14815, 14816
formation, orders of	14638
name, change of	14759.7
fire protection districts (law of 1961)—	
annexation, petitions for	13946
budget, proposed	13999
consolidation, resolutions re	13955, 13959
dissolution, petitions for	13965
dissolution, resolutions re	13950, 13965
special fire protection zones, objections to creation of	13995
fire protection districts, metropolitan—	
formation: statement re adoption or rejection of resolution of intention	14333
inclusions, property owners' assents to	14343
garbage and refuse disposal districts: formation, orders of	4178
hazardous substances, misbranded, petitions to condemn, etc.	28785
health districts, local—	
annexations, certificates of	962
change of name, verified copy of resolution of	32137
dissolution, certificates of	969
formation—	
order of	920
petition and notice of hearing	909
hospital districts, local—	
annexations, resolutions of	32004.6
consolidation with memorial district, resolution re	32490.6
directors: campaign statements by candidates	32109
dissolution, resolution of	32007
exclusion of territory, resolution re	32004.8, 32431, 32482
hospital licenses, applications for	1402
housing act violations, judgments imposing fines for	17902
housing authorities, audits of funds of	34327.6
housing law, state, determinations of local appeals boards under	17925
housing law, state, violations—	
orders of vacation of notices of pendency of action	17987
notice of pendency of action	17985, 17986
human remains, permit for disposition of	10383
mosquito abatement districts—	
abatement expense liens, notice of	2284, 2285
annexation, orders of	2341
consolidations, orders of	2367
order changing name	2226
organization, order of	2224
withdrawal of territory, resolution re	2351
motor vehicle pollution control certified devices provisions, resolutions of nonnecessity for	24394

RECORDING, FILING, ETC.—Continued.**Section**

narcotics—	
prescriptions	11166.12, 11172, 11175
sales of, without prescriptions: orders, contracts, etc.....	11574
vehicles transporting narcotics, notice of seizure and intended forfeiture proceeding re	11612, 11616
pest abatement districts—	
consolidations, orders of	2367
formation, orders of	2832
petitions. See PETITIONS.	
plumbing: permits for noninstallation of required fixtures	17452
rodent eradication expense liens	1808
sanitary districts (act of 1923)—	
annexation petitions	6850
consolidation, order of	6893.1
order declaring establishment	6465
resolution of inclusion in county sanitation district	6528
sanitation districts, county—	
city withdrawals, resolutions of	4845.1
dissolution, resolutions of	4853
inclusions of sanitary districts (act of 1923), resolutions of	6528
septic tanks, cesspools and seepage pits: applications for registration as person engaged in business of cleaning	25003
sewage disposal district, joint municipal, resolution of establishment of, filing of, with Secretary of State	5710.11
sewer districts (act of 1899): formation petitions	4660
sewer maintenance district names, resolutions changing	4887.5
sewer maintenance districts, resolutions of	4890, 4916, 4927
sewer revenue bonds: affidavits of publication of notices of sewer work	4973
sewerage and water districts, county—	
dissolution, resolution of	5653
withdrawal of city, resolution of	5645.1
withdrawal of unincorporated territory, resolution of	5645.25
surname of child: affidavit of change by court order	10460
swimming pools, public, plans for	24101.1
unidentified children, certificates of finding of	10150
vital statistics, generally—	
amended records, etc.	10400 to 10461
orders establishing	10557
petitions to establish by court order	10550, 10553, 10554
water supplies, publicly owned domestic, used for recreation: cost estimates for plans	4470.1

RECORDS. See also RECORDING, FILING, ETC.; REPORTS; VITAL STATISTICS.

advisory hospital council	431.4
alcoholic beverages: "dump sheets"	26552
apartment houses and hotels	15315 to 15319
auto court and resort registers	18875
bay area air pollution control district: hearing board proceedings	24368.4, 24368.5
bird band issuing agencies	2103
building standards commission, state	18911
cemeteries. See CEMETERIES.	
clinics and dispensaries: list of, etc., by public health department	1221
cold storage warehouses: receipts and withdrawal of food	28132
county health officers, destruction, etc., of case records of	460
dead bodies: reinterment on abandonment of county cemetery	8004
drugs or devices, new: investigational use, shipments and deliveries for	26292
elderly persons low rent housing finance committee, proceedings of	36003
explosives	12109 to 12112, 12116, 12117
fire advisory board, state	13141.2
fire companies in unincorporated towns	14839, 14841
fire districts, local	14105
fire hazards, apartment house or hotel, filed copies of permits re	17815
fire protection districts, county	14455.3
fire protection districts (law of 1961)	13866
frozen food locker plants	28716
handicapped persons, establishments for	1515
hospital districts, local	32128
hospitals, etc.: vital statistics records	10007
housing appeals board, state	17940
housing authorities	34283

NOTE: See also preceding SUPPLEMENTAL INDEX.

RECORDS—Continued.

	Section
local health officers, California conference of	1110.2
mobilehome park registers	18251
narcotics—	
addicts, rehabilitation and testing of, by department of justice	11730
gifts for research, etc.	11655
hospital patients, orders for	11166.01
lophophora: stocks, etc., for research, instruction and analysis purposes	11332
offenders, registration of	11851 to 11853
prescribers' records	11225 to 11228
prescriptions	11166.12, 11175
violation fines and imprisonments, by judges and magistrates	11682 to 11684, 11688
olive oil manufacturers	28483
physically handicapped children, by local department of public health or public welfare	255
physically handicapped children, by state public health department	260
police protection districts (unincorporated towns)	20078
poliomyelitis immunization of school pupils	3381, 3382, 3387
public health federal fund: income, disbursements, etc.	119
public health, state board of	103.2
radiation control	25811, 25815, 25825, 25826
sewage disposal permits, hearings re applications for	5424
special deposit fund: deposits, disbursements, etc.	121
tuberculosis: inspection by state department of public health	3287
unclaimed dead	7201, 7204
vital statistics. See VITAL STATISTICS.	
walnut processing establishments	28336
wiping rag business permits	3952
RECREATIONAL USE OF WATER SUPPLIES FOR HUMAN CONSUMPTION	4050 to 4055, 4462 to 4468, 4470 to 4471.4
REES-RICHARDS ACT	426.5
REFRIGERANTS AND REFRIGERATION	19800
REFRIGERATING WAREHOUSES	28110 to 28160, 28720
REFUSE. See GARBAGE AND REFUSE.	
REGIONAL SEWAGE DISPOSAL DISTRICTS. See SEWAGE DISPOSAL DISTRICTS, REGIONAL.	
REGISTRATION. See also BIRTH REGISTRATION; DEATH REGISTRATION; MARRIAGE REGISTRATION.	
lophophora for research, etc., persons obtaining and using	11332
mobilehomes in mobilehome parks	18251
motor vehicles: pollution control certified devices as prerequisite	24390 to 24393
narcotic addicts, certain	11391
narcotic addicts, places of mutual aid for	11391
narcotic offenders	11850 to 11853
radiation, sources of	25780, 25781, 25811, 25815, 25817, 25855
REHABILITATION	
alcoholics	427 to 427.4
narcotic addicts	11391, 11728 to 11730
RELIGION.	
birth certificates, objection to information in, because of conflict with religion	10008
cancer provisions: exemption of persons depending on prayer for healing	1709
community redevelopment projects, discrimination re	33049, 33050, 33071
housing, publicly assisted, discrimination in	35700 to 35741
poliomyelitis immunization for school pupils: exemption from provisions	3384
potluck dinners: applicability of California restaurant act to churches, etc.	28522
removal of structure or organ of deceased member of certain sects, etc.	7115
tuberculosis provisions: exemption of persons depending on prayer for healing	3286
urban renewal projects, discrimination re	33049, 33050, 33071
venereal disease regulations: applicability to persons depending on prayer for healing	3199
REPEALS	40000 to 40021

	Section
REPORTS. See also NOTICES (POSTING, MAILING, ETC.);	
NOTICES, PUBLICATION OF; PUBLICATIONS;	
RECORDS.	
air pollution control districts: persons in contempt.....	24317
alcoholic rehabilitation	427
atomic energy development and radiation protection, advisory council on:	
to governor	25764
atomic energy development and radiation protection, co-ordinator of: to	
governor and to legislature	25738
atomic energy development and radiation protection, departmental co-ordi-	
nating committee on: to governor	25752
bay area air pollution control district: analyses, etc., of air contam-	
inants	24362.4
bird band issuing agencies	2103
building standards commission	18905.1, 18909
cemeteries, endowment care	8745
cemetery districts, public, trustees of	8990, 8991, 9004
city governing bodies: health officers, appointment of	503
clinics and dispensaries: annual reports to state department	1224
clothes cleaning establishments: fires and explosions	13404
cold storage extensions, inclusion of information re, in annual report of state	
board	28147
cold storage warehouses to state board of public health	28133
community redevelopment agencies	33281, 33282, 33712, 33730
community redevelopment planning commissions	33704, 33747
county clerks: final decrees of divorce or annulment	10360
county supervisors: health officers, appointment of	456
diseases, reportable	3110, 3121 to 3125, 3199, 3286
drugs and devices—	
adulteration or misbranding: report, annual, of chief of division of	
laboratories	26343
cancer treatment, etc.: report by state department of public health	1718, 1719
seizure and quarantine by bureau of food and drug inspections to state	
board	26363
violations	26331, 26342
elderly persons low rent housing finance committee	36003
epilepsy	410
fire extinguisher sales, etc., licensees	13166
fire marshal, state—	
extinguishers, fire, qualifications for license to sell, etc.	13165
fire protection districts (law of 1961), investigation of law re formation,	
etc., of	13813
incendiarary fires to district attorneys	13107
local fire districts, formation, etc., of	14020
monthly and annual reports to governor	13110
fire protection districts (law of 1961): boundary changes, etc.	13998
fires in apartment houses or hotels	17830
food processing violations: to district attorney and to state board of public	
health	28297
foods—	
food and drug inspections, chief of bureau of	26567, 26568, 26583
laboratories, chief of division of	26561, 26567, 26568
public health, state board of, to governor	26568
violations re adulteration or misbranding by chief of bureau of food and	
drug inspection to state director of public health	26562
violations reports to district attorneys	26554, 26555, 26566
handicapped persons, inspection of establishments for	1503
health officers	3121 to 3124
health officers, county: jails, etc., investigations of health and sanitary con-	
ditions in	459
hospital committees, local	431.8
hospital districts, local	32133, 32201, 32221
hospitals	431.1, 1416
housing appeals board, state	17941
housing authorities	34328
limited dividend housing corporation	34904
motor vehicle pollution control board to governor and to legislature	24386.5
narcotics—	
addicts, places of mutual aid for	11391
addicts, rehabilitation and testing of, by department of justice to legis-	
lature	11730

REPORTS—Continued.

Section

narcotics—continued		
aliens: arrests to United States deportation agency	11715.5	
physicians' reports re	11395, 11425,	11426
sales without prescription	11574,	11576
pollution of waters: investigation by public health department		5413
prenatal syphilitic tests	3225 to	3227
public health, state department of—		
cancer, drugs, devices, etc., for cure of		1718
cancer treatment, etc., regulation of: to governor		1719
hazardous substances, labeling act	28789,	28790
hospital facilities: annual report to governor and to legislature		431.1
hospital reports and working papers: inspection or disclosure		1416
legislature, report to each general session of		209
registration of sources of radiation		25781
quarantine of diseases—		
reports by health officers to state department	3121 to	3124
reports by physician, nurses, clergymen, visiting persons, etc.		3125
radiation control law: exposure of personnel to radiation		25826
radioactive wastes deposited in ocean		4403.5
restaurant act, California, inspections under		28691
sanitary districts (act of 1923): budget and tax rate to county supervisors		6785
sanitation districts, county: engineers	4748 to	4754
sewage disposal: reports of permit holders to state department of public health		5440
sewage district, joint municipal: annual report		5740.20
spotting, sponging, and pressing establishments to state fire marshal—		
changes in location or ownership		13687
fires and explosions		13688
purchases of all volatile and inflammable products		13688
venereal disease: failure of person to comply with control measures	3192,	3193
vital statistics—		
adoption of child, court reports re	10430, 10431, 10436 to	10439
annulment decrees	10000,	10360
divorce decrees	10000,	10360
morbidity and mortality studies, etc.		211.5
registrar, state		10028
registrars, local		10054
supplemental name reports	10420 to	10422
water systems for domestic use: report on condition		4023
weeds, expenses of abatement of, by abating agency	14905 to	14915

RESCUE SERVICE

county fire protection districts	14444.1
fire protection districts (law of 1961)	13854

RESERVOIRS: recreational uses ... 4050 to 4055, 4462 to 4468, 4470 to 4471.4

RESIDENCE

county medical facilities, care in	1446, 1447
------------------------------------	------------

RESTAURANTS. See also FOODS; BEVERAGES; VENDING MACHINES.

California restaurant act	28520 to	28696
definitions	28520 to	28535
enforcement and inspection	28690 to	28694
exemptions	28522,	28695
health requisites of employees and owners	28686 to	28688
printing provisions of law		28696
sanitation requirements—		
itinerant restaurants	28590 to	28629
restaurants	28540 to	28584
vehicles	28640 to	28650
vending machines	28660 to	28682
utensils	28529, 28530, 28532, 28540, 28542, 28544 to	28546,
	28552 to 28557, 28559 to 28564, 28601 to 28609,	28645, 28646
ventilation	28545,	28594, 28672
water supplies	28546,	
	28548, 28555, 28557, 28559, 28560, 28562, 28595, 28597,	28602
cold storage regulations, exemption from		28116
flame-retardant requirement for drapes, curtains, etc.	13119,	16713
horse meat, menu and placard requirements re		28005
itinerant restaurants: refrigeration provision, certain, exemption from		26516.7
perishable foods, exemption from certain refrigeration provisions re		26516.7
refrigeration provisions, certain, exemption from		26516.7

RETIREMENT SYSTEMS.

county systems; advice on medical matters by county health officers-----	Section 457
state employees' retirement system—	
health district employees, participation in-----	971, 972
joint participation by county sanitation districts-----	4840

REVENUE BOND LAW OF 1941.

applicability—	
county sanitation districts-----	4805
garbage and refuse disposal districts-----	4186.30
garbage disposal districts-----	4113

REVENUE BONDS. See SEWER REVENUE BONDS; and for bonds of particular districts, see names of districts (e.g. SANITATION DISTRICTS, COUNTY).**RIGHTS OF WAY.**

cemetery districts, public, granting by-----	8967 to 8969
sanitary districts (act of 1923)-----	6514
sanitation districts, county-----	4759
sewers and drainage, abandonment of rights of way for-----	5400

RODENT ERADICATION.

definitions-----	1800 to 1802
generally-----	1800 to 1806
health districts, local, extermination by-----	936
infested places, duties of persons possessing-----	1803, 1806
inspections and investigations-----	1804
mosquito abatement districts, extermination of rats by-----	2290, 2291
powers and duties of state department, county supervisors, local health officers, etc.:-----	1804 to 1806

ROOFS.

fireproof buildings-----	17281
live load-----	17258
maintenance, generally-----	17801

ROOMS, RENTED: gas illumination----- 19600**ROOMS, SLEEPING. See SLEEPING ROOMS.****RULES AND REGULATIONS.**

air pollution control districts-----	24260 to 24263
animals, use of, in medical, etc., research-----	1660, 1668
atomic energy development and radiation protection, co-ordinator of:-----	
powers re rules and regulations of state agencies-----	25733
to 25735, 25739, 28777-----	
auto courts and resorts-----	18512, 18710
bay area air pollution control district-----	24354.9, 24360.2,
24360.3, 24360.6, 24360.7, 24360.9, 24362 to 24362.7, 24365.11, 24367.11-----	
beverages, carbonated-----	26495
biologies-----	1603, 1603.5, 1606
building standards-----	18901 to 18908
camp, organized-----	18897.2 to 18897.5
cancer provisions, administration of-----	1704
canneries-----	28440 to 28442
cemeteries, private-----	8300 to 8309
cemeteries, public-----	8133
cemetery districts, public-----	8964
clinics and dispensaries-----	1222
clothes cleaning establishments: by state fire marshal-----	13252
cold storage-----	28153
"color additive" in food: exception from definition-----	26468
community redevelopment agencies-----	33262, 33701
drugs, etc.: exemptions from labeling requirements-----	26244
drugs, generally-----	26321 to 26323
endowment hospitals-----	32503
explosives-----	851, 12000, 12004, 12004.5, 12301.5

NOTE: See also preceding SUPPLEMENTAL INDEX.

RULES AND REGULATIONS—Continued.

Section

extinguishers, fire, sale, etc., of	13160, 13161, 13166, 13169
fire alarm systems, etc., installation of, in children's homes, sanitariums, etc.	13114
fire and panic prevention and protection	13140, 13143 to 13146.5
fire companies in unincorporated towns	14835
fire protection in state institutions	13108, 13143, 13143.5
fire protection districts, county	14440, 14450, 14455.4, 14470
fire protection districts (in one or more counties)	14681
fireproofing of tents, etc., used for public gatherings, etc.	13115, 13116
fireworks	12552, 12553, 12555, 12717
flame-retardant chemicals and materials	13120, 13126
foods—	
additives	26542.1
disaster packs, etc., for sale, manner of stating nutritional values of	26467
generally	26540 to 26544
local inspections and enforcement divisions	26624
misbranding provisions, exemptions from	26491, 26495, 26496
poisonous ingredients	26471
temporary regulations arising from distribution of contaminated foods	26473 to 26476
frozen food locker plants	28709
frozen foods, packing, etc., of	28182
garbage disposal districts	4120
handicapped persons, establishments for	1509, 1514
hazardous substances, labeling of	28743, 28775 to 28778
health administration, local, state aid for	1111
health districts, local	936
health regulations, county, in unincorporated territory	450
hospital districts, local	32104, 32125, 32128, 32128.5
hospital survey and construction	431.1, 432.4, 435.2
hospitals	1408, 1411 to 1413, 1417
housing, county and city regulations re	17951
housing, division of—	
mobilehomes and mobilehome parks	18010, 18011, 18203, 18250, 18300, 18325, 18355, 18370, 18371, 18425
state housing act, portions of	15000 to 15161, 15351 to 17830
state housing law	17920 to 17925, 17950
inflammable or explosive materials, clothing, etc.	19813, 19814, 19816
ice for public use or consumption	4004, 4006
mobilehomes and mobilehome parks	18010, 18011, 18203, 18250, 18300, 18325, 18355, 18370, 18371, 18425
motor vehicle pollution control board	24386, 24387
narcotics, new	11002.1
ocean water-contact sports	24156 to 24158
pet bird bands, manufacturers' fees for selling or marketing of	2106
pet birds, sale, etc., of	2101 to 2104
police protection districts (unincorporated towns)	20070
poliomyelitis immunization of school pupils	3380, 3382, 3386, 3387
public health department, state: generally	208
quarantine of diseases	3111, 3115, 3116, 3123, 3350, 3354
radiation control law	25803, 25811 to 25817, 25825, 25826, 25840 to 25846, 25850 to 25876
radiation, registration re sources of	25780, 25811, 25815, 25855
radiation sources, giving of information re	25780
radioactive materials, transportation of	25651 to 25654, 25855
reservoirs, recreational use of	4051, 4465 to 4467, 4471, 4471.1, 4471.3
restaurant act, California	28694
sanitarians	542
sanitary districts (act of 1923)	6490, 6491, 6491.1, 6497
serums. See BIOLOGICS.	
sewage disposal districts, regional	5968
sewer revenue bonds: use of sewer works	5006
spotting, sponging and pressing establishments: formulation by state fire marshal	13552
swimming pool sanitation	24102 to 24105, 24108
tuberculosis hospitals receiving state aid	3294, 3306
tuberculosis quarantine, etc.	3285
vaccines. See BIOLOGICS.	
venereal disease prevention and control	3183, 3195, 3197 to 3199
vital statistics	10001, 10002, 10066

S

	Section
SACCHARINE: food adulteration	26472
SALARIES. See COMPENSATION, SALARIES, WAGES, ETC.	
SALES.	
air contaminant control, etc., devices for motor vehicles	24263.7
alcoholic beverages: refilled packages and substitutions, restrictions re	26517
biologics	1600, 1602
birds, pet	2100 to 2108
birds, pet, bands for	2101 to 2103, 2106
bonds—	
community redevelopment agencies	33918
county sanitation districts	4792, 4799
county sanitation districts, improvement districts in	4806 to 4809.3
fire protection districts (law of 1961)	13931
housing for the elderly	35997, 35998
metropolitan fire protection districts	14354
sewage disposal districts, joint municipal 5770.43, 5770.44, 5790.18, 5790.19, 5820.15 to 5820.17	4623
sewer districts, municipal (Act of 1911)	4986, 5002
sewer revenue bonds	4744, 5008
by-products	8965, 8966
cemetery districts, public: monuments and markers	7900 to 7903
cemetery lands	
cemetery plots—	
abandoned plots in public cemetery districts	9309
generally	8570 to 8572
newly created, in old cemeteries	8711
reinterments, plots, crypts or niches for	7951, 7952
community redevelopment agency bonds	33918
community redevelopment agency property	33018, 33267, 33268, 33274.1
cosmetics, adulterated or misbranded	26041, 26050
drugs. See DRUGS; NARCOTICS.	
explosives	12100 to 12118
fire equipment, non-standard	13028
fire extinguishers	13160 to 13169
fireworks. See FIREWORKS.	
flame-retardant chemicals and materials	13120, 13123
foods. See FOODS.	
hazardous substances, misbranded	28760 to 28762, 28768
housing, publicly assisted, discrimination in	35710, 35720
ice for human use or consumption	4000, 4006
limited dividend housing corporation property	34913
limited dividend housing corporation securities	34944, 34945
mausoleum crypts	8573, 8574
milk from premises contaminated by communicable disease	3120
mobilehomes: plumbing, heating and electrical equipment requirements	18371, 18372
motor vehicle pollution control device, noncertified	24395
narcotics. See NARCOTICS.	
pest abatement district property	2853, 2854
sanitation districts, county—	
by-products	4744
negotiable promissory notes	4746.1, 4764.1, 4764.2
sewer revenue bonds	4986, 5002
sewer revenue bonds, by-products of districts issuing	5008
solvents, flammable	13118
toys coated with certain paints and lacquers, etc.	25895, 25896
wiping rags	3902, 3953
SANATORIUMS: hospital, inclusion in definition of	1401
SANITARIANS	540 to 542
SANITARIUMS.	
fire prevention rules and regulations	13143, 13143.5
“hospital,” use of name	1401.5
SANITARY DISTRICTS (ACT OF 1891).	
bonds for sanitation and sewerage systems, payment of	5471
fees, charges, etc.	5471 to 5474.10
repeal, effect of	6935
taxation by	6940 to 6941.9

NOTE: See also preceding SUPPLEMENTAL INDEX.

SANITARY DISTRICTS (ACT OF 1919).		Section
bonds for sanitation and sewerage systems, payment of	-----	5471
fees, charges, etc.	-----	5471 to 5474.10
repeal, effect of	-----	6935
taxation by	-----	6940 to 6941.9
SANITARY DISTRICTS (ACT OF 1923).		
annexations, alternative procedure for—		
authorization	-----	6885
hearing	-----	6885.6 to 6886
order of annexation	-----	6886.4
petition	-----	6885.1 to 6885.4
territory annexed by city, inclusion of, in sanitary district	-----	6887
annexations by elections—		
authorization	-----	6830
election	-----	6847 to 6850, 6854, 6855
hearing	-----	6844 to 6847
order of annexation	-----	6852, 6853
petition	-----	6840 to 6845, 6849 to 6851
annexations without elections—		
authorization	-----	6870
hearing	-----	6876 to 6880
order of annexation	-----	6881
petitions	-----	6871 to 6877, 6880
annexed territory, sewers for	-----	6530.1, 6660, 6661
assessors, county, use of, in lieu of district assessor	-----	6494
bonds—		
actions to determine validity of	-----	6653
exchange	-----	6680 to 6683
generally	-----	6640 to 6655
lien of	-----	6945
purchase of own bonds	-----	6800
reconstruction bonds	-----	6670.1
refunding bonds	-----	6690 to 6694.3
sanitation and sewerage system: payment	-----	5471
sewers for annexed territory, issuance for	-----	6660, 6661
boundaries. See BOUNDARIES— <i>sanitary districts (act of 1923).</i>		
cities, bonded indebtedness, etc., of territory annexed to	-----	6915, 6916
cities, preclusion of mergers with, under certain circumstances	-----	6531
cities, sewer maintenance in	-----	6530, 6530.1
civil service for district employees	-----	6497
claims against district	-----	6805
codes or specifications controlling construction, etc., of certain facilities, adoption of	-----	6491.1
consolidation—		
authorization	-----	6890
election	-----	6893
governing board of consolidated district	-----	6894
hearing	-----	6892.5
indebtedness, outstanding	-----	6894.5 to 6895.5
name of consolidated district	-----	6893, 6893.1
notice of hearing	-----	6891.5, 6892
orders of consolidations	-----	6893, 6893.1
petition	-----	6891
construction of sewers	-----	6512 to 6515.5, 6518, 6540 to 6544
contracts	-----	6515, 6530, 6530.1, 6540 to 6543, 6823
county officers required to act as district officers, reimbursement of	-----	6499
definitions	-----	6400 to 6408
dissolution—		
authorization	-----	6900
election	-----	6900
ex officio boards, powers and duties of	-----	6903 to 6904.5, 6905 to 6907
indebtedness, outstanding	-----	6902 to 6904
property, vesting of	-----	6901, 6901.5, 6904.6, 6907.5
districts in more than one county	-----	6789
elections—		
annexations	-----	6625 to 6629, 6847 to 6850, 6854, 6855
assessor	-----	6494
board members: election and recall	-----	6485, 6489.5, 6580 to 6583, 6588.1
bond elections	-----	6610 to 6613, 6642 to 6644.1
consolidation	-----	6893
dissolution	-----	6900
formation	-----	6446 to 6466

SANITARY DISTRICTS (ACT OF 1923)—Continued.

Section

elections—continued		
generally	6560 to	6568
officers: appointment where election uncontested		6588.1
officers, elections of	6580 to	6593
exclusions—		
alternative procedure	6917 to	6923
authorization	6910,	6917
bonded indebtedness, etc., of territory annexed to city	6915,	6916
hearing	6913, 6920, 6921,	6923
order	6913, 6922,	6923
petition	6911, 6917,	6921
prohibition		6885.10
taxation, etc., of excluded territory		6924
fees, charges, etc.	5471 to 5474.10, 6520.2,	6520.5
formation—		
boundaries	6421, 6441, 6442,	6446
election on formation and for officers	6446 to	6466
hearing	6440 to	6448
order of formation		6465
petition	6420 to	6425
funds—		
bond fund	6790,	6791
disbursement by district board		6801
generally	6790 to 6799,	6801
purchase of own bonds		6800
revenues, use of		6520.5
running expense fund	6792, 6793,	6798
sewer construction fund	6796,	6797
garbage and refuse, powers and duties re	6406, 6512, 6514, 6520 to 6521, 6523.2, 6641,	6697
general provisions and definitions	6400 to	6408
improvement act of 1911, applicability of	6541 to	6543
improvement bond act of 1915, applicability of	6541 to	6543
indebtedness, incurrence and discharge of		6523.1
joint operations with other governmental agencies		6512
joint sanitary disposal sewers, contracts with other governmental agencies, re		6823
merger with city, preclusion of, under certain circumstances		6531
officers and board—		
appointment in lieu of election		6588.1
assessor	6464, 6480, 6494 to 6496, 6588.1 6588.2, 6715 to 6718,	6747
consolidated districts		6894
election of officers	6580 to	6593
elections for members of board		6485
generally	6480 to	6499
recall of members of board		6489.5
treasurer	6790 to 6799,	6801
plumbing regulation ordinances, subordination of, to city or county regulations		6522.1
powers and duties, generally	6510 to	6523.2
property—		
generally	6513,	6514
private facilities, prohibition against connections with		6520.1
private property, power to enter, inspect, etc.		6523.2
reorganization, effect of		6818
property owners and residents, powers re	6520 to 6520.2,	6523.2
reorganizations—		
authorization		6810
effect	6816 to	6819
hearing	6813 to	6816
order of reorganization	6815,	6816
petition	6811 to	6815
sanitation district, county, district reorganized from: duties of county officers		6825
representation on sanitation district boards		4730
rules and regulations	6490, 6491, 6491.1,	6497
sanitation district, county, district reorganized from: duties of county officers		6825
sanitation district, county, inclusion in	6524 to	6529
sewer construction—		
costs, assessment of		6540
orders of board for		6540

NOTE: See also preceding SUPPLEMENTAL INDEX.

SANITARY DISTRICTS (ACT OF 1923)—Continued.		Section
sewers for annexed territory	6530.1, 6660,	6661
street opening act of 1903, applicability of		6541
taxation and finance—		
annexed territory	6530.1,	6660
assessment by district assessor	6715 to	6718
collection	6760 to	6789
dissolution of district	6902 to	6904.5
equalization of assessments by district assessor	6730 to	6734
excluded territory		6924
generally	6695 to	6701
levies	6745 to 6747, 6789, 6895.5,	6904.5
use of county assessor's roll	6780 to 6787,	6789
SANITARY ENGINEERING PROGRAM		400
SANITATION. See DISINFECTION, CLEANING, ETC.; RESTAURANTS; VENDING MACHINES.		
SANITATION DISTRICTS, COUNTY.		
annexations	4830 to	4834
bids	4746.1, 4755, 4764.1,	4764.2
board of directors—		
charges for facilities: fixing lien, etc.		4766
city withdrawals, effect of		4845.11
compensation		4733
organization, etc.	4730 to 4731,	4733
powers, generally	4738 to	4766
bonds—		
additional issues		4795
assumption of indebtedness by annexed territory		4831.7
election petition		4794.5
generally	4764, 4780	
to 4792, 4794 to 4797, 4799, 4801 to 4803, 4806 to 4809.3, 4995,	4996	
lien of		4775
Orange County: emergency measure		4786.5
payment	4802,	4809.3
revenue bonds		4805
revenue, to be paid from		4796
tax exemption	4796,	4809.3
charges: costs of engineer's reports		4818
city withdrawals—		
conditions		4845.05
election	4845.06 to	4845.09
resolution of withdrawal	4845.09,	4845.1
claims against districts		4817
community services district, reorganization as	4857.5,	4859
consolidation—		
election	4726,	4727
hearing	4723 to	4725
liability for outstanding indebtedness		4728
objections		4725
order of consolidation		4727
resolution of intention	4721,	4722
contiguous territory located in another county: annexation	4830, 4831.5,	4832.5
contracts. See CONTRACTS— <i>sanitation districts, county.</i>		
costs, certain: advancements by other districts		4819
definitions and general provisions	4700 to	4704
dissolution—		
authorization		4850
election	4851,	4852
funds, transfer of		4856
indebtedness, outstanding		4855
property, vesting of		4854
refuse collection and disposal systems		4741.3
resolution of dissolution	4852,	4853
district investigation act of 1933, exemption from		4704
districts in more than one county—		
annexed territory	4830, 4831.5, 4832.5,	4833
tax levy		4833
elections. See ELECTIONS.		
employees: incompatible activities, etc.		4768
fees, charges, etc., for services	5471 to	5474.10

SANITATION DISTRICTS, COUNTY—Continued.

Section

formation—	
election	4715 to 4717
hearing	4711 to 4717
objections	4714, 4714.5, 4715
order of formation	4717, 4718
resolution of intention, composition, etc.	4710 to 4711.5
termination of proceedings	4714.5
funds—	
city withdrawals, effect of	4845.12
construction fund	4793, 4793.1
refuse disposal, cash difference fund for	4820
surplus construction funds: election re use for other purposes	4793.1
transfer following dissolution	4856
highways, rights of way in or across	4759
improvement district in portion of district: formation, bonds, etc.	4764, 4806 to 4809.3
improvement districts within districts, annexation of territory to	4830, 4831.5, 4831.7, 4834
joint operations, generally	4840 to 4843
joint operations with other governmental agencies	4742, 4742.2, 4760, 4843
joint sanitary disposal sewers, contracts with other governmental agencies re	4843
lateral and connecting lines of sewerage system	4797, 4798
lobbying	4765
"local agency," inclusion of district as	4741.1 to 4741.6
main trunk lines of sewerage system	4797, 4798
officers and employees—	
auditor	4732
engineers	4748 to 4754
generally	4738, 4739, 4749
Orange County: issuance of emergency bonds	4786.5
powers, generally	4738, 4739 to 4766
property—	
city withdrawals, effect of	4845.12
generally	4740
refuse transfer or disposal facilities	4741 to 4741.6, 4755, 4815, 4820, 4831
reorganization	4857 to 4859
retirement system, state employees', joint participation in	4840
sanitary districts (act of 1923), inclusion of	6524 to 6529
sewage collection, treatment and disposal systems, construction, etc., of	4741 to 4741.6, 4755, 4815
sewer maintenance districts, inclusion of	4879, 4880
taxation and finances—	
bonded indebtedness, assumption of, by annexed territory	4831.7
borrowing, authorization for	4764
city withdrawals, effect of	4845.12
city, withdrawals of territory annexed, etc., to: effect	4845.37, 4845.38
district in more than one county	4833
generally	4810 to 4819, 4855
improvement district situated in county	4833
negotiable promissory notes, borrowing on	4746.1, 4764.1, 4764.2
value of facilities, payment of, as annexation condition	4834
withdrawals of territory included in city by annexation, etc.	4845.37, 4845.38
withdrawals of unincorporated territory—	
conditions	4845.20
election	4845.21 to 4845.24
liability of withdrawn territory	4845.34, 4845.37, 4845.38
objections	4845.35
prohibitions	4845.33
resolution in lieu of election	4845.21, 4845.25, 4845.31 to 4845.34
work, performance of—	
cost records	4755
generally	4758
SAUSAGE	26472
SCHOOLS.	
admission, certification of birth date for purpose of	10581
audiometrists	1685, 1686
buildings—	
fire protection inspection	13146.3, 13146.5
health supervision	485, 937

NOTE: See also preceding SUPPLEMENTAL INDEX.

SCHOOLS—Continued.

	Section
districts: contracts with community redevelopment agencies and housing authorities for services, etc.	34600 to 34606
flame-retardant materials, use of	13119
health administration contracts	485, 937
health inspection: local health districts and educational authorities	936
health supervision contracts with local health districts	485, 937
hearing of children, testing of	1685, 1686
marijuana, gifts of, to schools of medicine, pharmacology, and criminology, for research, etc.	11655
nurses' training schools, local hospital district	32124
poliomyelitis immunization of pupils	3380 to 3387
spotting, sponging and pressing. See SPOTTING, SPONGING AND PRESSING ESTABLISHMENTS.	

SEALS, OFFICIAL.

air pollution control districts	24212
bay area air pollution control district	24354
cemetery districts, public	8960
community redevelopment agency	33262
fire companies in unincorporated towns	14836, 14837
fire districts, local	14104
fire protection districts (in one or more counties)	14682
fire protection districts (law of 1961)	13865
health districts, local	936
hospital districts, local	32121
housing authorities	34311
sanitary districts (act of 1923)	6510
sewage disposal districts, joint municipal	5740
vital statistics records, certified, affixing to	10583

SECRETARY OF STATE.

cemetery association articles of reincorporation	8803
fire districts, local: certificates evidencing existence	14017
fire protection districts, county: city inclusion and withdrawal ordinances	14401
fire protection districts (law of 1961): formation certificates	13812
health districts, local—	
annexation certificates	962
dissolution certificates	969
formation certificates	920
mosquito abatement districts—	
annexation orders	2341
consolidation orders	2367
dissolution certificates	2392
name, order changing	2226
organization orders	2224
pest abatement districts—	
consolidation orders	2367
formation orders	2832
sewage disposal districts, joint municipal—	
resolution of creation, filing of by board of supervisors	5720.14
resolution of establishment, filing of, by district	5710.11

SEIZURE.

hazardous substances, misbranded	28783 to 28786
inflammable or explosive clothing, materials, etc.	19814, 19815
radiation sources, impounding of	25860

SEPTIC TANKS AND SEEPAGE PITS.

abandoned septic tanks	24400, 24403
regulation of persons engaged in business of cleaning	25000 to 25010
water supplies, draining into	4451, 4452

SERUMS. See BIOLOGICS.**SEWAGE DISPOSAL DISTRICTS, JOINT MUNICIPAL.**

accounts of district, examination, etc., of	5740.19, 5740.20
annexation	5750 to 5750.12
board of directors—	
appointment, powers, duties, etc.	5730 to 5730.37
compensation	5730.08
bonds—	
additional revenue and refunding revenue bonds, issuance, etc., of	5820 to 5820.18
general obligation bonds, issuance, etc., of	5740.21, 5770 to 5770.44
revenue bonds, issuance, etc., of	5790 to 5790.33, 5820 to 5820.18
validation	5830 to 5830.08

SEWAGE DISPOSAL DISTRICTS, JOINT MUNICIPAL—Continued.

		Section
charges, delinquent—		
actions for collection	5810.01 to	5810.10
collection, additional remedies for, ordinances re		5810.11
delinquency sales		5810.04
redemption		5810.08
claims against districts		5745
creation, elections re	5720 to	5720.17
district, powers of	5740 to	5740.21
elections. See ELECTIONS.		
financing, generally	5740.09, 5740.10, 5740.12 to	5740.18
general provisions and definitions	5700 to	5700.22
hearings: annexation	5750.04 to	5750.07
investment of surplus money	5740.12 to	5740.15
organization—		
composition		5710.01
ordinances: contents, etc.	5710.04 to	5710.08
powers of district		5710.03
resolution of establishment	5710.09 to	5710.11
territory, restrictions re		5710.02
rates and charges	5800 to	5800.19
revenue bonds, issuance, etc., of	5790 to 5790.33, 5820 to	5820.18
taxation	5740.10, 5780 to	5780.12
validation of bonds	5830 to	5830.08

SEWAGE DISPOSAL DISTRICTS, REGIONAL.

annexation	6020 to	6033
board of directors—		
appointment, etc.	5960 to	5970
powers	5960, 5990 to	6007
bonds—		
election	6051 to 6057,	6066
general obligation bonds: issuance, sale, etc.	6050 to	6071
revenue bonds: issuance		6110
claims against district		6096
construction fund	6063 to	6065
creation	5940 to	5970
definitions	5902 to	5906
district investigation act of 1933, exemption from		5949
elections: bond elections	6051 to 6057,	6066
funds: construction fund	6063 to	6065
hearings: annexation	6025,	6028
organization		5920
property—		
acquisition		5991
disposal		5992
public agencies: adoption or rejection of initiating resolution	5941 to	5944
rules		5968
taxation and finance	6090 to	6096
validation		5947

SEWER DISTRICTS (ACT OF 1899).

annexation of unincorporated territory contiguous to district	4668 to	4671
board of supervisors, powers and duties of	4662, 4664 to 4666, 4668 to	4670
boundaries	4660, 4661, 4669,	4670
charges against for connection with city sewerage systems		4666
claims against districts		4665.6
connection with adjacent city sewerage systems	4663 to	4666
contracts with governmental agencies re joint use of sewers or other disposal facilities		4667
formation	4660,	4661
funds		4664
property holders, powers of supervisors re		4662
short title of act		4659
taxation	4665,	4665.5

SEWER DISTRICTS, MUNICIPAL (ACT OF 1909): effect of repeal. 5475

SEWER DISTRICTS, MUNICIPAL (ACT OF 1911).

annexation of city territory	4641 to	4648
bonds	4614.12, 4614.13, 4615 to	4625
contracts with governmental agencies re joint use of sewers or other disposal facilities		4636.8

NOTE: See also preceding SUPPLEMENTAL INDEX.

SEWER DISTRICTS, MUNICIPAL (ACT OF 1911)—Continued.		Section
definitions and general provisions	4600 to	4602
formation—		
authorization, composition, etc.	4605 to	4607
boundaries	4608 to 4612, 4614.10, 4641, 4644 to	4647
exclusion of territory		4611
hearing	4611, 4614.9, 4614.10	
resolution of governing body of city	4608 to	4610
two or more municipal corporations and in unincorporated territory, in	4614.1 to	4614.15
funds		4623
taxation and finances	4614.13, 4614.14, 4638,	4639
work, performance of—		
city performance	4634 to	4636
contracts for	4627 to 4633, 4635,	4636

SEWER MAINTENANCE DISTRICTS.

annexations—		
authorization		4895
county maintenance districts: effect	4901,	4902
hearing	4897,	4900
order of annexation		4900
resolution of supervisors		4896
territory comprising portion or all of another district	4901 to	4903
board of supervisors, powers and duties of	4879, 4885 to 4888, 4891, 4891.1,	4893
bonds, actions to determine validity of		4996
bonds for sanitation and sewerage systems, payment of		5471
definitions and general provisions	4860 to	4866
dissolution—		
authorization		4915
cities, inclusion in	4921 to	4926
funds	4921 to 4924,	4927
hearing	4917,	4919
inclusion in cities	4921 to	4926
indebtedness, payment of		4920
notice of hearing		4918
petition	4916 to	4919
property, vesting of	4920,	4927
resolution	4916, 4917, 4919, 4920,	4927
sanitary districts, inclusion in		4927
exclusions of territory—		
alternative procedure		4906.1
authorization		4905
hearing	4906.1, 4909,	4910
notice of hearing		4908
petition		4906
property, vesting of		4911
resolution establishing new boundaries	4905 to	4911
resolution proposing exclusion		4906.1
fees, charges, etc., for services	5471 to 5474.10	
formation—		
authorization, composition, etc.	4870,	4871
boundaries		4878
hearing	4872 to	4878
funds—		
annexations, effect of	4902,	4903
dissolution, effect of	4921 to 4924,	4927
loans, emergency, from counties		4894
maintenance fund		4892
reserves, contingency		4891.1
sanitary districts, transfer to, upon dissolution		4927
joint sanitary disposal sewers, contracts with other governmental agencies, re		4888
name, change of		4887.5
property—		
dissolution, effect of	4920,	4927
exclusions of territory, vesting upon		4911
generally		4886
sanitation districts, county, inclusion in	4879,	4880
surveyor		4887
taxation and finance	4890 to 4894,	4920
SEWER REVENUE BONDS.		
additional issuances		4998
annexed territory: use and maintenance charges		5070

SEWER REVENUE BONDS—Continued.

		Section
bonds, general provisions re	4985 to 4997,	5002
boundaries of sewer work areas		4974
contracts—		
construction	5010 to	5022
emergency relief and construction act of 1932, contracts to meet require-		
ments of		5008
generally		5004
damage to public ways or public works		5007
definitions and general provisions	4950 to	4960
employees of districts issuing	5005,	5026
finances and funds—		
general fund	5025 to	5027
generally	5025 to	5034
moneys from collection of rates	5028,	5029
sinking funds	5029 to	5031
treasurer	5033,	5034
grievances, remedy for		4994
leases of districts with other governmental agencies re use of works	5060 to	5063
ordinances of districts issuing—		
leases re use of works	5060, 5061,	5063
rates, fixing of	5047,	5048
powers and duties of districts issuing	5000 to	5022
proposed work and bond issuance, district action re—		
resolution of intention: adoption, contents, publication	4965 to	4973
written protests		4978
rates and collection: use of works constructed		
by districts	5040 to 5056, 5070 to	5072
sanitation districts, county, issuance by		4805
territory annexed to cities: use and maintenance charges		5072
withdrawn territory: use and maintenance charges		5071
works—		
construction exceeding \$500	5010 to	5022
costs	5019,	5027
emergency relief and construction act of 1932, compliance with		5011
operation, generally		5008
rates and collection	5040 to 5056, 5070 to	5072
use by annexed or excluded territories	5070 to	5072

SEWERAGE AND WATER DISTRICTS, COUNTY.

annexation of territory	5630 to	5632
auditor, county auditor as		5535
board of directors	5530 to	5536
bonds—		
elections	5580 to	5586
issuance, sale, etc.	5546, 5581.1, 5587 to	5602
claims against districts		5617
definitions	5501,	5502
dissolution	5650 to	5656
elections. See ELECTIONS.		
fees, charges, etc.	5546.5, 5546.6	
formation—		
boundaries	5510, 5511, 5514, 5515,	5518
election	5515 to	5517
hearing	5512 to 5514,	5516
order of formation	5517,	5518
protests	5514,	5515
resolution of intention	5510 to	5513
joint operations with other governmental agencies	5542, 5640 to	5642
powers and duties, generally	5539 to	5564
taxation and finance—		
annexed territory		5632
dissolution of district	5650, 5655,	5656
generally	5547, 5606 to	5618
withdrawal of city		5645.05
withdrawal of unincorporated territory	5645.20,	5645.34
withdrawal of city	5645.05 to	5645.13
withdrawal of unincorporated territory	5645.20 to	5645.34

NOTE: See also preceding SUPPLEMENTAL INDEX.

SEWERS. See also SANITARY DISTRICTS (ACT OF 1891); SANITARY DISTRICTS (ACT OF 1919); SANITARY DISTRICTS (ACT OF 1923); SANITATION DISTRICTS, COUNTY; SEWER DISTRICTS (ACT OF 1899); SEWER DISTRICTS, MUNICIPAL; SEWER MAINTENANCE DISTRICTS; SEWER REVENUE BONDS; SEWERAGE AND WATER DISTRICTS, COUNTY.	
connections between private property and street sewers.....	5463, 6520.2
disposal of sewage—	
definitions	5410
generally	5410 to 5415, 5460 to 5463
penalty	5461
permits, generally	5421 to 5442
prohibited acts	4458, 5411, 5461
septic tanks, cesspools and seepage pits.....	25000 to 25010
water supplies, domestic subterranean, discharge into	4458
fees, charges, etc., for services and facilities 4764.2, 5470 to 5474.10, 6520.2, 6520.5	
joint use, contracts between certain districts and other governmental agencies re	4636.8, 4667, 4843, 4888, 6823
lien against property for cost of connection work ordered by governmental agency	5463
rights of way abandonment	5400
sanitation and sewerage systems: definitions	5470
SHELL PARAKEETS: banding, sale, etc.....	2100 to 2108
SHERIFFS. See also PEACE OFFICERS; POLICE; POLICE PROTECTION DISTRICTS.	
drug administration enforcement—	
fees and compensation	26382, 26383
generally	26326 to 26330
violations, verified complaints re: duties re obtaining and transmittal of samples	26380, 26381
food administration duties—	
fees and compensation	26602, 26603
generally	26546 to 26551, 26600, 26601
quarantine violators, duty re notices of return of	3297
SHORT TITLES.	
Bay Area Air Pollution Control Law	24345
California Atomic Energy Development and Radiation Protection Law	25700
California Cosmetic Act	26012
California Food Sanitation Act	28299
California Hazardous Substances Labeling Act	28740
California Restaurant Act	28520
Community Land Chest Law	35100
Community Redevelopment Law	33000
County Sanitation District Act	4700
Elderly Persons Low Rent Housing Bond Act of 1961	35990
Establishments for Handicapped Persons Licensing Law	1500
Fire Protection District Law of 1961	13801
Flood Relief Redevelopment Law	34000
Frozen Food Locker Plant Act of 1951	28725
Health and Safety Code	1
Hospital Survey and Construction Act, California	430
Housing Act, State	15000
Housing Authorities Law	34200
Housing Cooperation Law	34500
Housing for the Elderly Law	35800
Joint Municipal Sewage Disposal District Act	5700
Limited Dividend Housing Corporation Law	34800
Local Fire District Law	14001
Local Hospital District Law, The	32000
Private and Community Mausoleum and Columbarium Law	9501
Pure Drug Act, California	26216
Pure Foods Act, California	26463
Radiation Control Law	25800
Regional Sewage Disposal District Act	5900
Sewer Districts in Unincorporated Territory Act	4659
Sewer Maintenance District Act	4860
Sewerage and Water District Act	5500
State Fireworks Law	12500
"State Housing Law"	17910
Temporary Housing Projects Law	35450

SHOWERS.			Section
auto courts and resorts	18778 to	18780	
housing act provisions	17530 to	17553	
mobilehome parks	18350, 18351, 18356,	18357	
SIGNATURE.			
vital statistics records, certified, facsimiles on		10583	
what is		18	
SIGNS. See also ADVERTISING; NOTICES (POSTING, MAILING. ETC.).			
apartment house owners, posting of names and addresses of, upon premises		17818	
cemeteries—			
endowment care cemeteries	8740, 8741,	8745	
nonendowment care cemeteries: sign to be posted in office	8743 to	8745	
clothes cleaning establishments: "no smoking" signs		13396	
exit, stairway, and fire escape signs in hotels, lodging houses, etc.	19700,	19702	
explosives	12113, 12114, 12182, 12211, 12303, 12404,	12405	
fire escapes		16527	
food vending vehicles		28640	
horse meat	28004, 28005, 28007,	28008	
licenses, display of. See LICENSES, PERMITS, ETC.			
lifeboats		24003	
mobilehome insignia of approval		18371	
mobilehome parks, toilet facilities in		18353	
pet food		28008	
swimming pool lifeguard service, nonprovided		24101.4	
swimming pool markers		24052	
toilets and water-closets	17481, 17482, 17503,	18353	
SINKS.			
auto courts and resorts and motels		18795	
housing act provisions	17580 to	17584	
housing for the elderly		19950	
restaurants	28553, 28555, 28557 to	28559	
restaurants, itinerant	28601, 28602, 28604,	28605	
SKATING RINKS: flame-retardant requirement for drapes, curtains, etc.		13119	
SKYLIGHTS AND WINDOWS: housing act provisions	16200 to	16305	
SLAUGHTERING: horses or mules		28003, 28013	
SLEEPING ROOMS. See also HOUSING ACT, STATE.			
air space	17705, 17706, 18796,	19300	
apartment houses and hotels		17804	
auto courts and resorts	18667, 18795,	18796	
prohibited use	15901, 17702,	17703	
SODA FOUNTAINS. See also RESTAURANTS.			
common drinking cups		3700	
SOLVENTS. See EXPLOSIVES.			
SPOTTING, SPONGING AND PRESSING ESTABLISHMENTS. See also CLOTHES CLEANING ESTABLISHMENTS.			
administration by state fire marshal	13550 to	13554	
definitions and general provisions	13501 to	13520	
operation and management	13678 to	13689	
railroads, exemption		13780	
reports to state fire marshal	13687,	13688	
violations of provisions	13725 to	13729	
STAIRWAYS.			
auto courts and resorts		18710	
STANDPIPES: housing act provisions	16740 to	16744	
STATE ———. See subject (e.g. FIRE MARSHAL, STATE).			
STATE AID.			
agricultural workers, seasonal and migratory, health programs for	429,	429.1	
alcoholic rehabilitation program, local		427.2	
gnat control		2426	

STATE AID—Continued.	Section
health administration, local	1100 to 1157
hospital construction	435 to 435.7
housing for the elderly	35940 to 35943
mosquito control	2426
physically handicapped children, services to	256, 259
tuberculosis hospitals, etc.	3294, 3295, 3298 to 3301
STATE BUILDING STANDARDS CODE	18906, 18908
STATUTES. See also CONSTRUCTION OF CODE PROVISIONS; REPEALS.	
district investigation act of 1933. See DISTRICT INVESTIGATION ACT OF 1933.	
improvement act of 1911—	
applicability to sanitary districts (act of 1919)	6016 to 6018
applicability to sanitary districts (act of 1923)	6541 to 6543
improvement bond act of 1915—	
applicability to sanitary districts (act of 1919)	6016 to 6018
applicability to sanitary districts (act of 1923)	6541 to 6543
revenue bond law of 1941—	
applicability to county sanitation districts	4805
applicability to garbage and refuse disposal districts	4186.30
Stats. 1919, Ch. 303: applicability to municipal sewer districts (act of 1911)	4636.7
street opening act of 1903: applicability to sanitary districts (act of 1923)	6541
STREET OPENING ACT OF 1903.	
applicability to—	
sanitary districts (act of 1923)	6541
sewerage and water districts, county	5571 to 5575
STUDDING: housing act provisions	17256, 17260
SULPHURS, FOOD	28500 to 28509
SUPPORT: charitable clinics	1203
SURVEYORS, COUNTY: sewer maintenance districts, appointment for duties re	4887
SWIMMING POOLS, SWIMMING RESORTS, ETC.	
lifeguard service	24100.1, 24101.4
lifesaving devices—	
lifeboats	24001 to 24003
public swimming pools, requirements for	24101.3
resort, definition of	24000
markers, swimming pool—	
regulations	24051 to 24053
resorts, definition of	24050
violations of regulations	24054
ocean water-contact sports	24155 to 24159
sanitation, swimming pool—	
abatement as public nuisance	24106, 24107
operation, conditions of	24101.2, 24101.3, 24106
public health, state department of, power and duties of	24101, 24102, 24104, 24105, 24107
public swimming pools, definition of	24100
violations	24108, 24109
SYPHILITIC TESTS, PRENATAL	3220 to 3229

T

TAX COLLECTORS, COUNTY. See also TAXATION.

sanitary districts (act of 1923): duties re	6761 to 6767, 6789
sanitation or sewerage system fees, charges, etc., duties re	5474.6, 5474.7
weeds: duties re assessments for abatement expenses	14916 to 14919

TAXATION. See also TAX COLLECTORS, COUNTY.

city—	
community redevelopment projects	33950 to 33954
dog license tax	1911
dog license tax, special	1912 to 1914
dog tax	1911

TAXATION—Continued.

Section

county—

community redevelopment projects	33950 to 33954
dog license tax	1911
dog license tax, special	1912 to 1914
dog tax	1911
medical facilities	1445
physically handicapped children, special tax for	270
sanitary tax: special tax on property outside cities	860
weeds: levies and collections for costs of abatement	14912 to 14919
district. See also names of particular districts.	
cemetery districts, public	8980 to 8985
fire districts, local	
14018, 14044, 14151 to 14176, 14220, 14221, 14229, 14257, 14305,	14307
fire protection districts, county	
14480 to 14480.4, 14480.6, 14481 to 14482, 14490, 14503, 14540, 14550	
fire protection districts in one or more counties	
14701 to 14709, 14712 to 14716, 14742, 14766	
fire protection districts (law of 1961)	
13907 to 13909, 13911, 13935, 13936, 13958, 13970, 13996	
special fire protection zones	13996
fire protection districts, metropolitan	14355 to 14361
garbage and refuse disposal districts	4181 to 4185
garbage disposal districts	4113, 4127
health districts, local	950 to 953
hospital districts, local	
32127, 32130, 32200 to 32204, 32221, 32240 to 32243, 32312	
mosquito abatement districts	2290, 2300 to 2309
pest abatement districts	2822.5, 2870 to 2872, 2875, 2876, 2921
police protection districts (unincorporated territory)	20332, 20349
police protection districts (unincorporated towns)	20075, 20101 to 20113
sanitary districts (act of 1891). See SANITARY DISTRICTS (ACT OF 1891).	
sanitary districts (act of 1919). See SANITARY DISTRICTS (ACT OF 1919).	
sanitary districts (act of 1923). See SANITARY DISTRICTS (ACT OF 1923).	
sanitation districts, county	
4746.1, 4811 to 4813, 4815, 4816, 4831.7, 4833, 4845.37, 4845.38	4855
sewage disposal district, joint municipal	5740.10, 5780 to 5780.12
sewage disposal districts, regional	6091 to 6093, 6095
sewer districts (act of 1899)	4665, 4665.5
sewer districts, municipal (act of 1911)	4614.13, 4614.14, 4638, 4639
sewer maintenance districts	4890 to 4893, 4920
sewerage and water districts, county	
5547, 5606, 5611 to 5613, 5615, 5616, 5645.05, 5645.20, 5645.34,	5655

generally—

exemptions—

bonds: county sanitation districts	4796, 4809.3
cemeteries, private: improvement assessments	8561
cemetery properties passing to individual: inheritance taxes	8604
fire companies in unincorporated towns: officers and members	14855 to 14860
housing authority property, etc.	34400 to 34402
housing for the elderly law, projects aided under	35943
reinterment of remains removed from cemeteries in cities, levies for, prohibited	7975

TELEGRAMS, TELEPHONE MESSAGES, ETC.

health officers, reports by	3122
narcotic prescriptions	11172

TELEVISION: licensing for use of fireworks	12555
--	-------

TENT CAMPS. See MOBILEHOMES AND MOBILEHOME PARKS.

TENTS: fireproofing of tents used for public gatherings, etc.	13115, 13116
---	--------------

THEATERS

flame-retardant, requirement for drapes, curtains, etc.	13119
pyrotechnics, licenses and permits for use of	12555

NOTE: See also preceding SUPPLEMENTAL INDEX.

TOILETS. See also **CESSPOOLS; HOUSING ACT, STATE; PLUMBERS, PLUMBING, ETC.; PRIVIES; SEWERS.**

auto courts and resorts	18667, 18677, 18678, 18775 to 18779,	18782
bakeries	28196 to	28198
construction job sites		5416
food processing establishments	28287 to	28290
mobilehome parks	18256, 18276, 18350 to 18355,	18358, 18364
mobilehomes	18001.2,	18355
prohibited maintenance and construction		5414, 5420
restaurants	28540, 28541, 28545, 28547, 28550,	28551
restaurants, itinerant		28596, 28598
ventilation		16229, 16234
water supplies, draining into		4451, 4452

TOWELS, COMMON.

apartment houses and hotels		17814
sanitary provisions—		
"common use" defined		3801
laundering, regulations re		3801
places subject to		3800
violations		3803

TOWNS, UNINCORPORATED. See **FIRE COMPANIES IN UNINCORPORATED TOWNS; MUNICIPAL CORPORATIONS; POLICE PROTECTION DISTRICTS (UNINCORPORATED TOWNS).**

TOYS: coating with certain paints and lacquers, etc.: penalty-----25895, 25896

TRAILERS. See **MOBILEHOMES AND MOBILEHOME PARKS.**

TRANSOMS -----16266.5

TRANSPORTATION. See also **COMMON CARRIERS; NARCOTICS; RAILROADS.**

biologics		1603, 1603.5
dead bodies		7355, 10380
explosives	12002, 12100, 12105.5, 12108, 12113, 12114, 12300 to 12306,	12402
fireworks	12600, 12650, 12701, 12711, 12750, 12756, 12762,	12764
hazardous substances, exemption of carriers from labeling provisions re		28771
ice intended for public use		4006
indigent sick		1443, 1444
marijuana		11531, 11532
narcotics other than marijuana		11501 to 11503
radioactive materials	25650 to 25654,	25855
radioactive wastes	25603 to	25606
serums		1603, 1603.5
spotting and pressing by railroads		13780
unsanitary packing materials: goods packed with		3753
vaccines		1603, 1603.5
vehicles used to transport foods, inspection of		26518.5

TRAVELING EXPENSES. See **COMPENSATION, SALARIES, WAGES, ETC.****TREASURER, STATE.**

elderly persons low rent housing finance committee: membership		36000
fire hazards on state property, costs of abatement of		13104.5
health administration, local, state aid for: duties re		1156
housing for the elderly law, duties re		
	35972, 35992 to 35994, 35997, 35998, 36000,	36003
narcotic violations: forfeited bail, fines, etc.: receipt and deposit		11681

TREASURERS, CITY: narcotic violations: forfeited bail, fines, etc.-----11681

TREASURERS, COUNTY.

cemetery districts, public, duties re		8982 to 8984
fire protection districts in one or more counties, duties re		14709, 14710
fire protection districts (law of 1961): duties		13914, 13916, 13917
local fire districts, duties re		14163 to 14165,
mosquito abatement district duties		2309 to 2312
narcotic violations: forfeited bail, fines, etc.		11681
police protection districts (unincorporated areas), duties re		20080, 20012, 20013

TRIAL, PLACE OF. See **VENUE.**

Section

8737

TRUSTS: cemeteries: endowment care-----**TUBERCULOSIS.**

burial expenses of patients in institutions subject to jurisdiction of director of corrections	3296
examination	3285
generally	3279 to 3310
hospital central committees	3302 to 3309
hospitals, wards, etc.—	
contributions to city or county: offset from state subsidy	3300.1
establishment and operation by groups of counties	3294, 3302 to 3310
exchange of patients	3301
pay patients	3294, 3298
reports to state department by medical superintendent	3299
state aid	3294, 3295, 3298 to 3301
pulmonary tuberculosis as infectious and contagious disease	3280
quarantine or isolation	3285, 3286
quarantine violators, ineligibility of counties to receive state aid for	3295
quarantine violators, release of	3297

U

UNINCORPORATED TOWNS. See **FIRE COMPANIES IN UNINCORPORATED TOWNS; MUNICIPAL CORPORATIONS; POLICE PROTECTION DISTRICTS (UNINCORPORATED TOWNS).**

UNITED STATES.

radiation control, agreements with state re	25830, 25835, 25870 to 25876
radiation control inspections, etc., agreements with state department of public health re	25820, 25835
state use of cancer facilities and findings	1711

UNIVERSITY OF CALIFORNIA: president: membership on departmental coordinating committee on atomic energy development and radiation protection----- 25750

URBAN RENEWAL. See also COMMUNITY REDEVELOPMENT; HOUSING.

discrimination, prohibition against	33049, 33050, 33071
generally	33955 to 33957, 33970 to 33985

V

VACCINATION: dogs----- 1920

VACCINES. See BIOLOGICS.**VALIDATIONS. See also ACTIONS AND PROCEEDINGS.**

community redevelopment agency bonds, plans, etc.	33921, 33955 to 33957
fire districts, local—	
organization	14013
reorganization	14013, 14282, 14285
fire protection districts (law of 1961)	13810, 13811
health districts, local, formation of	916
hospital districts, local: dissolution proceedings	32011
sanitary districts (act of 1923): bonds	6653
sanitation districts, county: bonds	4787, 4799, 4803, 4809.2
sewage disposal districts, regional—	
annexation of territory	6033
bonds	6058, 6071
creation	5947
sewer districts, municipal (act of 1911): bonds	4624
sewer revenue bonds: proceedings on bonds	4994
temporary housing projects law: acquisition, disposal, etc., of projects	35546

VENDING MACHINES.

definition	28525
exclusion from definition of restaurant	28522

NOTE: See also preceding SUPPLEMENTAL INDEX.

VENDING MACHINES—Continued.**Section**

food refrigeration provisions, certain, exemption from	26516.7
health requirements for employees and owners	28686 to 28688
sanitation requirements	28660 to 28682

VENEREAL DISEASES.**administration of regulatory law—**

clinics, treatment, etc.	3184 to	3186
local co-operation	3194,	3195
clinics, etc.	3184 to	3186
definition		3001
diseased persons, duties of	3190,	3191
enforcement—		
penalties	3198,	3229
proceedings	3196,	3197
prenatal syphilitic tests—		
blood specimen	3222 to 3224, 3228,	3229
definitions	3220,	3221
penalty		3229
reports	3225 to	3227
prevention and control, generally	3180 to	3199
religious beliefs re treatment, applicability of provisions to persons having		3199
specimen examinations	3187 to	3189

VENTILATION. See HOUSING ACT, STATE; HOUSING LAW, STATE; RESTAURANTS.**VENUE.**

cemetery lands, removal of dedication of	7906,	8580
dead bodies, disinterment and removal of: application for permission of		
court where absence of consent		7526
fire protection district ordinance violations		14689
interment, petition for order directing performance of, by person having		
duty or by coroner		7105
tuberculosis hospitals maintained by group of counties: actions for money		
due under agreements re		3305
vital statistics, proceedings to establish		10550

VERIFICATION. See also AFFIDAVITS.

birth date and place		10582
cemeteries—		
petitions re care, alteration, replatting, etc., of old cemeteries		8704
signs and report in office		8745
clinics and dispensaries: applications for licenses		1210
drug violation complaints		26380
fire districts, local: reorganization petitions	14272 to	14275
fire protection districts (in one or more counties): inclusions of territory,		
petitions for		14724
food violation complaints		26600
housing act enforcement proceedings, complaints in		15291
narcotic nuisance abatement proceedings, complaints in		11782
narcotics, proceedings for forfeiture of vehicles transporting, answers in	11614,	11619
sanitary districts (act of 1923)—		
annexations, alternative procedure for: petitions		6885.4
annexations by election, petitions for		6843
annexations without elections, petitions for		6874
assessment roll	6717,	6747
formation petitions		6423
officers, nominating petitions for election of		6584
reorganization, petitions for		6812
tuberculosis hospitals receiving state aid: reports of medical superintendent		
to state department		3299
vital statistics—		
adopted children, statements of action taken re original copies of birth		
certificates of		10435
corrections, affidavits re		10400
legitimated children, statements of action taken re original copies of		
birth certificates of		10445
petitions to establish	10550 to	10552

VESSELS.		Section
explosives, transportation of.....	12300 to	12304
garbage for deposit in navigable waters, loading with.....	4401 to	4403.5
houseboats, mooring within two miles above domestic water supply intake.....		5445
VETERINARIANS. See also DRUGS; NARCOTICS.		
meat inspectors, local health districts, required to be.....		941
narcotics, prescribing of, etc.	11000, 11161, 11450, 11451, 11500, 11501, 11570,	11571
VIRUS, ANTI-RABIC		2000
VITAL STATISTICS. See also BIRTH REGISTRATION; DEATH REGISTRATION; MARRIAGE REGISTRATION; VITAL STATISTICS REGISTRAR, STATE; VITAL STATISTICS REGISTRARS, LOCAL.		
administration, local—		
generally	10050 to	10067
registrars, local. See VITAL STATISTICS REGISTRARS, LOCAL.		
administration, state—		
generally	10025 to	10037
public health, state department of. See PUBLIC HEALTH, STATE DEPARTMENT OF.		
public health, state director of. See PUBLIC HEALTH, STATE DIRECTOR OF.		
registrar, state. See VITAL STATISTICS REGISTRAR, STATE.		
violations of regulations.....	10027,	10028
annulment decrees, filing reports of.....	10000,	10360
birth date and place verification.....		10582
certified copies of records—		
birth certificates.....	10531, 10532, 10557, 10558, 10575 to 10578, 10580,	10581
evidence, prima facie, of all facts stated therein.....		10577
facsimile signatures		10583
furnishing by state or local registrar, or county recorder	10531, 10532, 10575 to	10581
photographic reproductions, certified.....		10037
short form	10578,	10579
conferences between local registrars and state registrar.....		10033
corrections	10006, 10400 to 10404, 10410,	10411
county recorders, receipt of certain records by, etc.....	10065 to	10067
definitions	7000 to	7024
divorce decrees, filing reports of.....	10000,	10360
establishing records—		
administrative procedure	10500 to	10532
court proceedings	10550 to	10558
fees. See FEES.		
general provisions	10000 to	10008
health districts, local, powers of.....		936
penalties re violations of provisions by registrars and other persons	10675 to	10690
records—		
amendment	10400 to	10461
certified copies. See subheading, <i>certified copies of records</i> , above.		
county recorders	10064 to	10067
filed prior to July 1, 1905: retention as special county records.....		10065
hospitals or institutions.....		10007
local: disposition	10064,	10067
microfilm copies	10036,	10037
morbidity and mortality studies.....		211.5
original, microfilming and destruction of.....		10036
public inspection		10066
transmittal	10060 to	10062
registrar, state. See VITAL STATISTICS REGISTRAR, STATE.		
registrars, local. See VITAL STATISTICS REGISTRARS, LOCAL.		
registration districts		10032
reports. See REPORTS.		
rules and regulations	10001, 10002,	10066
United States public health service, furnishing of transcripts of vital statistics records to.....		10580
unregistered births, deaths or marriages, proceedings for establishing records re	10550 to	10558
unregistered births, establishment of records of, by delayed registration	10530 to	10532

NOTE: See also preceding **SUPPLEMENTAL INDEX.**

VITAL STATISTICS REGISTRAR, STATE. See also BIRTH REGISTRATION; DEATH REGISTRATION; MARRIAGE REGISTRATION; VITAL STATISTICS; VITAL STATISTICS REGISTRARS, LOCAL.

appointment of local registrars	10051
birth certificates, powers and duties re—	
amendment	10402, 10403
birth date and place verification	10582
certified copies	10575 to 10578
contents	10125
delayed certificates	10502, 10510, 10530 to 10532, 10557, 10558
legitimated children	10440, 10441, 10445, 10446
new certificates	10432, 10435, 10450, 10461
transcripts for United States public health service	10580
certificates received from local registrars, examination, etc., of	10034, 10035
communicable diseases, information for local registrars re	10003
conferences of registrars, powers and duties re	10033
death certificates, powers and duties re—	
amendment	10402, 10403
certified copies	10575 to 10577, 10579
contents	10275
fetal deaths	10190, 10402, 10403, 10575, 10576, 10580
transcripts for United States public health service	10580
fees. See FEES.	
index of certificates, duties re	10035, 10530
instructions	10031
marriage certificates, powers and duties re—	
amendment	10402, 10403
contents	10350
forms	10300
transcripts for United States public health service	10580
original records, microfilming and destruction of	10036
public health, state director of, as	10025
record forms, duties re	10030, 10300
registration districts, establishment of	10032
signatures, facsimile, on certified copies of record	10583
supervisory powers	10026
violations, etc., investigations and reports re	10027, 10028

VITAL STATISTICS REGISTRARS, LOCAL. See also VITAL STATISTICS; VITAL STATISTICS REGISTRAR, STATE.

appointment, etc.	10051
central records depository	10060.5
compensation, etc.	10033, 10650 to 10653
county recorder: designation as local registrar of marriage	10052
deputies	10053
fees. See FEES.	
health officers: designation as local registrars	10050
powers and duties—	
amendment of birth, death or marriage certificates	10401
birth certificates—	
birth date and place verification	10582
legitimated children	10445
supplemental name reports	10420
certificates, generally: examination, signature, etc.	10056 to 10059
deceased adults, notification re	10063
disposition of local records	10064
enforcement of provisions	10054
forms, supplying of	10055
generally	10050 to 10053
reports to state registrar	10054
transmittal of records	10060 to 10062
signatures, facsimile, on certified copies of records	10583

VITAMINS 26200.5

VULCANIZING SHOPS: maintenance in apartment house or hotel 17704, 17704.1

W

WAGES. See COMPENSATION, SALARIES, WAGES, ETC.

Section

WALLS AND PARTITIONS.

apartment houses or hotels	17707
auto courts and resorts	18656 to 18658, 18665, 18667, 18727, 18728, 18750
bakeries	28199
bakeries or places where fat is boiled	17255
basements	15902
fireproof buildings	17281, 17283
fire escapes. See FIRE ESCAPES.	
food processing establishments	28282, 28283
frozen food locker plants	28705
mobilehome parks	18354, 18357, 18360
portieres, curtains, movable partitions, etc., prohibited use of, in apartment houses or hotels	17707
restaurants	28541, 28542, 28583
restaurants, itinerant	28591, 28628
semifireproof buildings	17300, 17303, 17304
shafts	16771, 16772, 16820, 16821
sleeping rooms, apartment house or hotel	17804 to 17807
studs: apartment houses and hotels	17260 to 17263
wooden buildings	17322 to 17324.5

WALNUTS 28330 to 28345

WAREHOUSES, COLD STORAGE 28110 to 28160, 28720

WARRANTIES. See also COSMETICS—*guaranties*; DRUGS—*guaranties*; FOOD—*guaranties*; HAZARDOUS SUBSTANCES, LABELING OF—*guaranties*.

interment, authorization for 7110

WASHING MACHINE ROOMS: state housing act provisions
15031.5, 15500, 15500.4

WATER RESOURCES, STATE DIRECTOR OF: member of departmental
coordinating committee on atomic energy development and radiation protection 25750

WATER, WATER SYSTEMS, AND WATERCOURSES.

auto courts and resorts	18778, 18781, 18790, 18795
bacterial analysis of water used in manufacture of ice	4001
bathing in sources of domestic supplies	4455
carcasses, offal, etc., putting into or upon borders of rivers, creeks, ponds, reservoirs, or streams	4450 to 4452
departmental powers re pollution of domestic supplies	203
distribution systems for domestic supplies	4010 to 4035
domestic supplies	4010 to 4035, 4458 to 4461
changes in supply or system	4011.5 to 4020
exception	4024
fluorine or fluorine compounds, addition of, to bottled water	26470.5
houseboats, prohibition against anchoring of, in waters used for domestic purposes	4459
permit to furnish	4010 to 4025
petition for permit	4010, 4011 to 4018
plans and specifications of system	4012, 4013
private supplies	4024
recreational use	4050 to 4055, 4462 to 4468, 4470 to 4471.4
restaurant act, California	28546, 28548, 28555, 28557, 28559, 28560, 28562, 28595, 28597, 28602, 28677
violations	4030 to 4035, 4450 to 4461
water reclaimed from sewage: injection into water-bearing strata	4458
water works standards	4010.5
who may furnish	4010, 4011 to 4011.6
drinking water cup receptacles	3700 to 3704
health districts, local, inspections by	936
houseboats, etc.: anchoring within two miles of source	5445
industrial waste disposal	5410 to 5415, 5460 to 5462
laboratories, county or city, examinations by	1000
mobilehome parks	18356, 18362, 18365, 18366

NOTE: See also preceding SUPPLEMENTAL INDEX.

WATER, WATER SYSTEMS, AND WATERCOURSES—Continued. Section

pollution—		
domestic supplies, departmental powers re		203
domestic supplies, generally	203, 4450 to 4458, 5410 to 5416, 5460 to	5463
navigable waters, generally	4400 to 4404, 5410 to 5415, 5460 to	5462
ocean waters and bays	4403.5, 24157,	24159
state water pollution board, chairman of: member of departmental co-		
ordinating committee on atomic energy development and radiation		
protection		25750
violations	4485, 5460 to	5463
private domestic supplies		4024
receptacles, drinking water, sanitary provisions re	3700 to	3704
sewage disposal	5410 to 5415, 5460 to	5463
swimming pools, public		24101.3
washing clothes in sources of domestic supplies		4456

WATER-CLOSETS. See also HOUSING ACT, STATE; PRIVIES;
TOILETS.

bakeries	28196 to	28198
construction job sites		5416
food processing establishments	28287 to	28290

WEEDS, HAZARDOUS.

abatement, generally—		
air pollution control provisions, inapplicability of		24360.1
definitions		14875
expenses—		
collection	14915 to	14919
hearing on report	14910 to	14912
notices of submission of reports, posting of		14906
property owner, removal by		14902
reports	14905, 14906	
hearing on notice to destroy	14898, 14899	
notice to destroy—		
contents	14891, 14892	
hearing on notice	14898, 14899	
persons authorized to give		14890
posting	14893, 14894	
proceedings after hearing on notice	14900, 14901, 14902	
publication		14895
nuisance, public, declaration of weeds as		14876
proceedings after hearing on notice to destroy	14900, 14901, 14902	
resolution of board of supervisors declaring weeds a nuisance	14880 to	14884
fire protection districts, county, abatement in		14462.5
local fire districts, abatement in		14106
seasonal and recurrent weeds, abatement of—		
costs		14900.6
declaration of board of supervisors		14900.5
notice, post card, to property owners		14900.6
yearly, without further hearing		14900.5

WET-WASHING: hazardous buildings, processes to be used in 13403

WINDOWS AND SKYLIGHTS.

auto courts and resorts	18675 to 18683,	18725
fireproof buildings		17284
generally: housing act provisions	16200 to	16305
locking appliances		16730
mobilehome parks	18358,	18361
semifireproof buildings		17302
shafts	16774 to	16776
vent shafts		16822

WINE. See ALCOHOLIC BEVERAGES.

WIPING RAGS.

regulation of business—		
machinery used for washing, etc.		3954
ordinances, county or city		3950
packages offered for sale, marking of		3953
permits to operate	3951,	3952
violations		3960

WIPING RAGS—Continued.	Section
sanitary provisions—	
furnishing for use, offering for sale, etc., previous sterilization necessary	
before -----	3901
inspections -----	3902
sterilization -----	3901
“wiping rags” defined -----	3900
WOMEN, CALIFORNIA INSTITUTION FOR: board of trustees: powers	
re narcotic addiction of parolees -----	11753
WRITING: what is -----	8

X

X-RAYS: destruction, etc., of photographs taken by county health officers----	460
---	-----

Y

YARDS AND COURTS. See also HOUSING ACT, STATE.	
definitions -----	15010, 15034
maintenance -----	17802, 17803
requirements re depth, width, drainage, etc.-----	15650 to 15750
YOUTH AUTHORITY, DEPARTMENT OF: powers and duties re narcotic	
treatment-control units -----	11750, 11752, 11754

Z

ZONES, SPECIAL FIRE PROTECTION	
13991 to 13997, 14301 to 14307, 14598 to 14598.5	

O

